



# FEDERAL REGISTER

---

Vol. 82

Wednesday,

No. 34

February 22, 2017

Pages 11299–11400

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see [www.ofr.gov](http://www.ofr.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at [www.fdsys.gov](http://www.fdsys.gov), a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, [gpocusthelp.com](mailto:gpocusthelp.com).

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 82 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Assistance with Federal agency subscriptions:

Email [FRSubscriptions@nara.gov](mailto:FRSubscriptions@nara.gov)  
Phone 202-741-6000



# Contents

**Federal Register**

Vol. 82, No. 34

Wednesday, February 22, 2017

## Agency for Healthcare Research and Quality

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11359–11361

## Agriculture Department

*See* Food Safety and Inspection Service

*See* Foreign Agricultural Service

*See* Rural Utilities Service

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11336–11337

## Coast Guard

### RULES

Drawbridge Operations:

Willamette River, Portland, OR, 11320

### PROPOSED RULES

Anchorage Regulations:

Port of Miami, Atlantic Ocean, Miami Beach, FL, 11329–11332

Safety Zones:

Kosciuszko Bridge Construction, Newtown Creek, Brooklyn and Queens, NY, 11332–11334

## Commerce Department

*See* Foreign-Trade Zones Board

*See* International Trade Administration

*See* National Institute of Standards and Technology

*See* National Oceanic and Atmospheric Administration

## Comptroller of the Currency

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Reporting, Recordkeeping, and Disclosure Requirements Associated with Proprietary Trading and Certain Interests in and Relationships with Covered Funds, 11395–11398

## Consumer Product Safety Commission

### RULES

Safety Standard for Toddler Beds; Revisions, 11317–11320

### NOTICES

Estimated Phthalate Exposure and Risk to Women of Reproductive Age as Assessed Using 2013/2014 NHANES Biomonitoring Data, 11348

Meetings; Sunshine Act, 11347–11348

Settlement Agreements and Orders:

Keurig Green Mountain, Inc., 11348–11351

## Drug Enforcement Administration

### NOTICES

Decisions and Orders:

Robert Markman, M.D., 11369–11370

## Energy Department

*See* Federal Energy Regulatory Commission

## Environmental Protection Agency

### RULES

National Priorities List:

National Oil and Hazardous Substances Pollution Contingency Plan; Partial Deletion of North Penn Area 6 Superfund Site, 11320–11321

### PROPOSED RULES

National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works, 11334–11335

National Priorities List:

National Oil and Hazardous Substances Pollution Contingency Plan; Partial Deletion of North Penn Area 6 Superfund Site, 11335

### NOTICES

Risk and Exposure Assessment Planning Document for Review of Primary National Ambient Air Quality Standards for Sulfur Oxides, 11356–11357

## Federal Aviation Administration

### RULES

Airworthiness Directives:

Airbus Airplanes, 11304–11307

BAE Systems (Operations) Limited, 11310–11314

Empresa Brasileira de Aeronautica S.A. (Embraer)

Airplanes, 11314–11317

Textron Aviation Inc. (Type Certificate Previously Held by Cessna Aircraft Company) Airplanes, 11307–11310

The Boeing Company Airplanes, 11299–11304

### PROPOSED RULES

Airworthiness Directives:

Bombardier, Inc. Airplanes, 11325–11327

Rolls-Royce Corporation Turbofan Engines, 11327–11329

## Federal Energy Regulatory Commission

### NOTICES

Applications:

Ampersand Kayuta Lake Hydro, LLC, 11352–11353

Combined Filings, 11355–11356

Environmental Assessments; Availability, etc.:

Dominion Cove Point LNG, LP; Eastern Market Access Project, 11353–11355

Filings:

San Diego Gas and Electric Co. v. Sellers of Energy and Ancillary Services into Markets Operated by California Independent System Operator Corp. and

California Power Exchange, 11351–11352

Tull Wind, LLC, 11352

## Federal Maritime Commission

### NOTICES

Agreements Filed, 11357–11358

## Federal Reserve System

### NOTICES

Changes in Bank Control:

Acquisitions of Shares of a Bank or Bank Holding Company, 11358–11359

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 11359

**Food Safety and Inspection Service****PROPOSED RULES**

Revisions of Nutrition Facts Labels for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed, 11324–11325

**NOTICES**

## Meetings:

Codex Alimentarius Commission Committee on Contaminants in Food, 11337–11338

**Foreign Agricultural Service****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11338–11340

**Foreign-Trade Zones Board****NOTICES**

## Production Activities:

Hitachi Automotive Systems Americas, Inc.; Foreign-Trade Zone 29; Louisville, KY, 11342

## Subzone Expansions; Applications:

STIHL Inc.; Foreign-Trade Zone 20; Norfolk, VA, 11341–11342

**Health and Human Services Department**

See Agency for Healthcare Research and Quality

See Indian Health Service

See National Institutes of Health

**RULES**

## National Vaccine Injury Compensation Program:

Revisions to Vaccine Injury Table; Delay of Effective Date, 11321

**Homeland Security Department**

See Coast Guard

See U.S. Customs and Border Protection

**Indian Health Service****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Mashpee Wampanoag Indian Health Service Unit Community Health Assessment, 11361–11362

**Interior Department**

See Land Management Bureau

**International Trade Administration****NOTICES**

Antidumping and Countervailing Duty Investigations, Orders, and Reviews:

Monosodium Glutamate from Indonesia, 11342–11344

## Production Activities:

Toyota Motor Manufacturing Indiana, Inc. (Automotive Vehicles), Foreign-Trade Zone 177, Evansville, IN, 11342

**Justice Department**

See Drug Enforcement Administration

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

2016 Survey of Sexual Victimization, 11370–11371

**Land Management Bureau****NOTICES**

## Meetings:

Coastal Oregon Resource Advisory Council, 11368

Mojave-Southern Great Basin Resource Advisory Council, NV, 11369

Wyoming Resource Advisory Council, 11368–11369

**Maritime Administration****NOTICES**

Requests for Administrative Waivers of Coastwise Trade

## Laws:

Vessel CHATON MOUILLE, 11395

**National Institute of Standards and Technology****NOTICES**

## Meetings:

Visiting Committee on Advanced Technology, 11344

**National Institutes of Health****NOTICES**

Government-Owned Inventions; Availability for Licensing, 11364

## Meetings:

Center for Scientific Review, 11365–11366

National Cancer Institute, 11363–11365

National Center for Advancing Translational Sciences, 11366–11367

National Institute on Aging, 11363–11364

National Institute on Drug Abuse, 11365

## Prospective Grants of Exclusive Patent Licenses:

Development of Gene Signature Predictive of

Hepatocellular Carcinoma Patient Response to

Transcatheter Arterial Chemoembolization, 11362–11363

**National Oceanic and Atmospheric Administration****RULES**

## Fisheries of the Northeastern United States:

Atlantic Deep-Sea Red Crab Fishery; 2017–2019 Atlantic

Deep-Sea Red Crab Specifications, 11322–11323

Summer Flounder Fishery; Quota Transfer, 11321–11322

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Economic Impacts of Marine Debris on Tourism-dependent Communities, 11346–11347

Exempted Fishing Permit Applications, 11345–11346

## Meetings:

Mid-Atlantic Fishery Management Council, 11347

Takes of Marine Mammals Incidental to Specified Activities:

Bravo Wharf Recapitalization Project, 11344–11345

**Nuclear Regulatory Commission****NOTICES**

## Design Certification Applications:

NuScale Power, LLC, 11372

## License Applications; Amendments:

Department of Energy; Three Mile Island 2 Independent

Spent Fuel Storage Installation, 11371–11372

**Postal Service****NOTICES**

## Mailing Standards:

Transport of Lithium Batteries, 11372–11375

**Rural Utilities Service****NOTICES**

Environmental Impact Statements; Availability, etc.:

Energy Answers Arecibo, LLC, 11340–11341

**Securities and Exchange Commission****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11375, 11383–11388, 11391–11395

Self-Regulatory Organizations; Proposed Rule Changes: NASDAQ BX, Inc., 11381–11383, 11385–11386  
NASDAQ Stock Market, LLC, 11376–11379, 11389–11391  
New York Stock Exchange, LLC, 11388–11389  
NYSE MKT, LLC, 11379–11381

**Transportation Department**

*See* Federal Aviation Administration

*See* Maritime Administration

**Treasury Department**

*See* Comptroller of the Currency

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11399–11400

**U.S. Customs and Border Protection****NOTICES**

Meetings:

User Fee Advisory Committee, 11367–11368

---

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

**CFR PARTS AFFECTED IN THIS ISSUE**

---

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**9 CFR****Proposed Rules:**

301.....	11324
304.....	11324
316.....	11324
317.....	11324
318.....	11324
319.....	11324
320.....	11324
327.....	11324
362.....	11324
381.....	11324
412.....	11324
416.....	11324

**14 CFR**

39 (5 documents) .....	11299,
11304, 11307, 11310, 11314	

**Proposed Rules:**

39 (2 documents) .....	11325,
11327	

**16 CFR**

1217.....	11317
-----------	-------

**33 CFR**

117.....	11320
----------	-------

**Proposed Rules:**

110.....	11329
165.....	11332

**40 CFR**

300.....	11320
----------	-------

**Proposed Rules:**

63.....	11334
300.....	11335

**42 CFR**

100.....	11321
----------	-------

**50 CFR**

648 (2 documents) .....	11321,
11322	

# Rules and Regulations

Federal Register

Vol. 82, No. 34

Wednesday, February 22, 2017

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-5468; Directorate Identifier 2015-NM-021-AD; Amendment 39-18806; AD 2017-04-11]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) all The Boeing Company Model 737-600, -700, -700C, -800, and -900 series airplanes. This AD was prompted by reports of paint deterioration on the surface of the main landing gear (MLG) and the early onset of corrosion in the trunnion bore of the MLG outer cylinder. This AD requires identifying affected parts, repetitive external surface detailed inspections for damage of affected parts, and related investigative and corrective actions if necessary. For certain airplanes, this AD also requires a detailed inspection and bushing replacement of the trunnion bore, and related investigative and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective March 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 29, 2017.

**ADDRESSES:** For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600;

telephone: 562-797-1717; Internet: <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-5468.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-5468; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Alan Pohl, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6450; fax: 425-917-6590; email: [alan.pohl@faa.gov](mailto:alan.pohl@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737-600, -700, -700C, -800, and -900 series airplanes. The NPRM published in the **Federal Register** on April 12, 2016 (81 FR 21497) ("the NPRM"). The NPRM was prompted by reports of paint deterioration on the surface of the MLG and the early onset of corrosion in the trunnion bore of the MLG outer cylinder. The NPRM proposed to require identifying affected parts, repetitive external surface detailed inspections for damage of affected parts, and related investigative and corrective actions, if necessary. For certain airplanes, the NPRM also proposed to

require a detailed inspection and bushing replacement of the trunnion bore, and related investigative and corrective actions, if necessary. We are issuing this AD to prevent stress corrosion cracking of the external surfaces of the MLG, which could result in a fracture of the MLG and consequent MLG collapse.

#### Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

#### Request To Withdraw the NPRM

Messier Services Asia Pte Ltd (MS Asia) explained that this maintenance, repair, and overhaul (MRO) facility, located in Singapore, has disclosed to Boeing that between November 2007 and December 2011, painting performed by MS Asia on certain landing gear legs as part of its overhaul service for Boeing did not fully conform to Boeing instructions and specifications. MS Asia stated that this painting error was disclosed to Boeing for Model 737 airplane landing gears identified in Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by Boeing Special Attention Service Bulletin 737-32-1486, Revision 1, dated April 1, 2015 ("SASB 737-32-1486, R1").

MS Asia refuted and continues to refute that the painting has generated the potential onset of corrosion discovered on the MLG. MS Asia explained that it had the opportunity to demonstrate to Boeing the absence of links between these two events and is willing to reiterate its technical demonstration to the FAA. MS Asia asserted that the NPRM makes an incorrect statement and conclusion, and is without technical evidence that the root cause of the corrosion detected on the trunnion bore and the associated risk of fracture is the consequence of the incorrect paint scheme application.

MS Asia also stated that the NPRM is creating confusion when it refers to SAFRAN Messier-Bugatti-Dowty, and that the painting issues only affect gears overhauled by MS Asia during the period of November 2007 to December 2011. MS Asia asserted that no painting issues have affected landing gears overhauled by the MRO entity of Messier-Bugatti-Dowty outside the

period of November 2007 to December 2011.

From these statements, we infer that MS Asia is requesting we withdraw the NPRM. We do not agree.

Landing gear components include materials that are very sensitive to corrosion and cracking and are not tolerant of improper maintenance. In particular, high strength steel, once corroded, can readily develop cracks which could then propagate very rapidly and render inspection programs ineffectual. This is why it is imperative that protective finishes be applied as specified.

The determination of a connection between improper finish application and the potential onset of corrosion was made by Boeing in Boeing Special Attention Service Bulletin 737–32–1486, dated November 6, 2014, with review and concurrence by the FAA. This connection has also been validated by extensive fleet experience.

MS Asia provided no definitive data to substantiate its statement that there is not such a connection between its painting (application of unqualified primer) and corrosion. It should also be noted that this painting was only one of several discrepancies noted that indicated improper maintenance. There is no refutation of the finding that the components were not overhauled in accordance with Boeing instructions and specifications. These instructions and specifications, or their equivalent, are in turn included in operators' maintenance programs that are approved by the governing regulatory authority.

We are willing to review data MS Asia might wish to submit regarding this AD. However, this issue has been determined to be a safety issue by both Boeing and the FAA, and the FAA has also determined that it is not appropriate to withdraw the NPRM. If a future review of submitted data substantiates MS Asia's claim that the root cause of the corrosion detected on the trunnion bore and the associated risk of fracture is not the consequence of the incorrect paint scheme application, then we may grant relief through either additional rulemaking or a global alternative method of compliance (AMOC).

We have not revised this final rule regarding a connection between improper finish application and the potential onset of corrosion.

We note that the dates of the discrepant overhaul specified in paragraph (g) of this AD differ from the dates given in Boeing Special Attention Service Bulletin 737–32–1486, dated November 6, 2014, and in MS Asia's

comments. The dates in paragraph (g) of this AD were determined by an investigation of MS Asia's maintenance records by an FAA inspector. After that review of maintenance records by an FAA field office, we concur with MS Asia's statement that this improper rework is limited to their facility in Singapore. We have revised this final rule to refer to MS Asia instead of SAFRAN Messier-Bugatti-Dowty to avoid confusion regarding affected parts.

#### **Requests for Clarification Regarding the Nose Landing Gear (NLG)**

Boeing and the European Aviation Safety Agency (EASA) requested that we clarify why the NPRM did not address actions specified in the service information for the NLG.

We agree that there is a need to clarify. The discrepant rework described in the Boeing service information does specify the NLG as well as the MLG. We note that in the Boeing service information, inspections of the MLG were specified for safety and were so labeled. However, inspections of the NLG were not determined by Boeing to be a safety issue. Those NLG inspections were labeled as economic inspections. This determination is consistent with the FAA's safety determination. Issues involving potential collapse of the NLG are evaluated on a case-by-case basis, but are typically determined not to be safety issues. In the event of failure of the NLG, the flight crew normally retains adequate directional control of the airplane via differential braking, engine thrust, and/or rudder. This is not the case for MLG collapses. We have not changed this AD in this regard.

#### **Request To Revise Corrective Action in Paragraph (i) of the Proposed AD**

Boeing requested that we include Part 7 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–32–1486, dated November 6, 2014, in the applicable investigative and corrective actions identified in paragraph (i) of the proposed AD. Boeing stated that the replacement of the MLG outer cylinder in accordance with Part 7 should be allowed as an option for compliance with the requirements of paragraph (i) of the proposed AD.

We have confirmed that Boeing's requested change to paragraph (i) of this AD is not needed since Part 7 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–32–1486, dated November 6, 2014, is already cited in paragraph (j)(3) of this AD as terminating action for the actions

required by paragraph (i) of this AD. We have not changed this AD in this regard.

#### **Request To Clarify "New" Part**

EASA stated that the NPRM does not explicitly state that replacement with a new part is acceptable unless the new part belongs to "Appendix D (wrong batch)."

We are not sure what EASA intended by the term "new." This would ordinarily indicate a brand new part obtained from the design approval holder or authorized supplier that has never previously been placed into service. However, we infer from EASA's statement that it intends the term to mean a different part than what is currently installed on the airplane. If this is the case, then this issue is already addressed in the service information. For example, for replacement of the entire MLG, Part 8 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–32–1486, dated November 6, 2014, specifies that such replacement be accomplished with a serviceable MLG. By definition, the components listed in Appendix D of SASB 737–32–1486, R1 are not serviceable. We have not changed this AD in this regard.

#### **Requests To Clarify/Revise Overhaul Procedures and Clarify Component Installations**

SunExpress requested clarification that overhaul of affected components/assemblies specified in the service information is terminating action for inspections. SunExpress stated that the service information has a note specifying to not reinstall a removed component and/or MLG on another airplane until overhaul is completed.

United Airlines (UAL) requested that we revise paragraph (l) of the proposed AD to allow operators to install affected parts as long as they have been overhauled using the component maintenance manual and Boeing Special Attention Service Bulletin 737–32–1486, dated November 6, 2014, as revised by SASB 737–32–1486, R1. UAL stated that the wording in paragraph (l) of the proposed AD implies that all affected serial numbers would need FAA approval for repair/overhaul.

In addition, SunExpress requested clarification as to whether each sub-part or sub-assembly under an MLG component installation is also affected individually. SunExpress asked if, for example, a sub-part (e.g., inner cylinder) that was previously installed on an MLG assembly affected by the proposed AD would be subject to the AD requirements if it is installed on a different unaffected MLG assembly.



We partially agree with the commenters' requests. We find that the instructions in the service information for overhaul, as specified in the NPRM, already address the commenters' concerns. However, we agree that additional clarification would be helpful. We have revised paragraph (l) of this AD to specify, in part, that an MLG may not be installed unless that MLG has been overhauled as specified in the applicable corrective actions of paragraphs (h) and (i) of this AD, or using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

In addition, to address SunExpress's comment concerning component installations, we provide the following clarification. Based on accepted maintenance practices, a part number would include all of the components that make up that part. It is incumbent upon the operator to either inspect or do a records review to identify those parts affected by this AD. Any parts identified, including all components of those parts, are affected. As stated previously, we have revised paragraph (l) of this AD to provide clarification.

#### Request To Extend Proposed Compliance Time

SunExpress requested that we revise the proposed compliance time for the MLG inspections from 24 months to 36 months to accommodate its maintenance schedule. SunExpress pointed out that the longer compliance time would be financially beneficial for operators.

We do not agree with SunExpress's request to extend the compliance time. The operator provided no technical justification for revising this compliance time. Stress corrosion cracking of the external surfaces of the MLG is a significant safety issue, and we have determined that the proposed

inspection threshold is warranted, based on the effectiveness of the inspection procedure and the FAA transport airplane risk assessment.

In developing an appropriate compliance time for this AD, we considered the safety issues as well as the recommendations of the manufacturer, the availability of necessary parts, and the practical aspect of accomplishing the required inspection within an interval of time that corresponds to the normal maintenance schedules of most affected operators. We considered the manufacturer's recommendation as well as the time necessary to complete the rulemaking process, and found that a 24-month initial compliance time should fall well within the time that the majority of operators have regular maintenance visits scheduled. In light of these factors, we have determined that the 24-month initial compliance time, as proposed, is appropriate. We have not changed this AD in this regard.

#### Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing Supplemental Type Certificate (STC) ST00830SE does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as (c)(1) and added new paragraph (c)(2) to this AD to state that installation of STC ST00830SE does not affect the ability to accomplish the actions required by this final rule. Therefore, for airplanes on which STC ST00830SE is installed, a "change in product" AMOC approval request is not necessary to comply with the requirements of 14 CFR 39.17.

#### Conclusion

We reviewed the relevant data, considered the comments received, and

determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

#### Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1. The service information describes procedures for identifying affected parts, repetitive external surface detailed inspections for damage of affected parts, and related investigative and corrective actions if necessary. For certain airplanes, the service information describes procedures for a detailed inspection and bushing replacement of the trunnion bore, and related investigative and corrective actions. The service information also describes procedures for certain airplanes for a detailed inspection of the trunnion bore, and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

#### Costs of Compliance

We estimate that this AD affects 33 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
External surface detailed inspection .....	Up to 16 work-hours × \$85 per hour = \$1,360 per inspection cycle.	\$0	\$1,360 per inspection cycle.	Up to \$44,880 per inspection cycle.
Outer cylinder assembly trunnion bore detailed inspection and bushing replacement (Groups 1–2, configuration 1).	70 work-hours × \$85 per hour = \$5,950	Negligible	\$5,950 .....	\$196,350.

We estimate the following costs to do any necessary replacements that would

be required based on the results of the inspections. We have no way of

determining the number of aircraft that might need this replacement.

## ON-CONDITION COSTS

Action	Labor cost	Cost per product
Outer cylinder assembly replacement (if required as a result of the outer cylinder assembly trunnion bore detailed inspection).	28 work-hours × \$85 per hour = \$2,380 .....	\$2,380

We have received no definitive data that would enable us to provide cost estimates for certain on-condition actions (MLG external surface repair, MLG component replacement, outer cylinder repair, and MLG replacement) specified in this AD.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

The previous information is based on known affected airplanes. However, the MLG may have been overhauled outside of the Boeing Exchange Program as specified in the “Clarification of Affected MLGs” section of this AD.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2017–04–11 The Boeing Company:**  
Amendment 39–18806; Docket No. FAA–2016–5468; Directorate Identifier 2015–NM–021–AD.

#### (a) Effective Date

This AD is effective March 29, 2017.

#### (b) Affected ADs

None.

#### (c) Applicability

(1) This AD applies to all The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST00830SE ([http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rqstc.nsf/0/184DE9A71EC3FA5586257EAE00707DA6?OpenDocument&HighLight=st00830se](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rqstc.nsf/0/184DE9A71EC3FA5586257EAE00707DA6?OpenDocument&HighLight=st00830se)) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a “change in product” alternative method of compliance

(AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

#### (d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

#### (e) Unsafe Condition

This AD was prompted by reports of paint deterioration on the surface of the main landing gear (MLG) and early onset of corrosion in the trunnion bore of the MLG outer cylinder. We are issuing this AD to prevent stress corrosion cracking of the external surfaces of the MLG, which could result in a fracture of the MLG and consequent MLG collapse.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Inspection for Affected Part/Serial Numbers

At the applicable time specified in table 1 of paragraph 1.E., “Compliance,” of Boeing Special Attention Service Bulletin 737–32–1486, dated November 6, 2014, as revised by Boeing Special Attention Service Bulletin 737–32–1486, Revision 1, dated April 1, 2015 (“SASB 737–32–1486, R1”), except as required by paragraph (k)(1) of this AD: Do the actions specified in paragraphs (g)(1) and (g)(2) of this AD in order to identify affected parts.

(1) Inspect the MLG to determine if it has any component installation or side strut assembly having a part number and serial number listed in Appendix D of Boeing Special Attention Service Bulletin 737–32–1486, dated November 6, 2014, as revised by SASB 737–32–1486, R1; except that the “Variable Number” column of Appendix D is to be disregarded in determining affected part and serial numbers. An MLG that has any MLG component installation or side strut assembly having a part number and serial number listed in Appendix D of Boeing Special Attention Service Bulletin 737–32–1486, dated November 6, 2014, as revised by SASB 737–32–1486, R1 is an affected part. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the MLG component installation and side strut assembly can be conclusively identified from that review.

(2) Do a records review to determine if the MLG has been overhauled by Messier Services Asia Pte Ltd (MS Asia) outside of the Boeing Exchange program from June 1, 2009, to July 31, 2013. If it is determined that the MLG has been overhauled by MS Asia outside of the Boeing Exchange program from

June 1, 2009, to July 31, 2013, that MLG is an affected part. If from the records review it cannot be conclusively determined that an overhauled MLG was overhauled by a maintenance, repair, and overhaul (MRO) facility other than MS Asia, or if from the records review it cannot be conclusively determined that an MLG overhauled by MS Asia was part of the Boeing Exchange Program from June 1, 2009, to July 31, 2013, that MLG is an affected part.

#### (h) Requirements for Affected Parts

If any affected part is identified during the inspection or records review required by paragraph (g) of this AD: At the applicable time specified in table 3 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, except as required by paragraph (k)(1) of this AD, do detailed inspections of the external surfaces of the MLG, and do all applicable related investigative and corrective actions, in accordance with Parts 1, 3, and 4 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, except as required by paragraph (k)(2) of this AD. Repeat the inspections thereafter at the applicable time specified in table 3 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1. All applicable related investigative and corrective actions must be done before further flight.

#### (i) Additional Actions for Groups 1 and 2, Configuration 1 Airplanes

For airplanes that are identified as Groups 1 and 2, Configuration 1, in Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, and that have an affected part identified during the inspection or records review required by paragraph (g) of this AD: At the applicable time specified in table 4 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, except as required by paragraph (k)(1) of this AD, do a detailed inspection and bushing replacement of the MLG trunnion bore, and do all applicable related investigative and corrective actions, in accordance with Parts 2, 5, and 6 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, except as required by paragraph (k)(2) of this AD.

#### (j) Terminating Action

(1) MLG replacement in accordance with Part 8 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, terminates the requirements of paragraphs (g), (h), and (i) of this AD for that MLG only.

(2) MLG component replacement in accordance with Part 4 of the Accomplishment Instructions of Boeing

Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, terminates the requirements of paragraph (h) of this AD for that component only.

(3) MLG outer cylinder replacement in accordance with Part 7 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, terminates the requirements of paragraph (i) of this AD for that component only.

#### (k) Exceptions to Service Information Specifications

(1) Where paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, specifies a compliance time "after the original issue date of this service bulletin," this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Although Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014, as revised by SASB 737-32-1486, R1, specifies to contact Boeing for repair instructions, and specifies that action as "RC" (Required for Compliance), this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

#### (l) Parts Installation Prohibition

As of the effective date of this AD, no person may install the following on any airplane identified in paragraph (c)(1) of this AD, unless either the MLG or MLG component has first been overhauled as specified in the corrective actions of paragraphs (h) and (i), as applicable, of this AD, or the MLG or MLG component has been overhauled using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(1) An MLG or MLG component having a part number and serial number identified in Appendix D of SASB 737-32-1486, R1.

(2) An MLG that was overhauled between June 1, 2009, and July 31, 2013, by MS Asia.

#### (m) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (n) of this AD. Information may be emailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this

AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (k)(2) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (m)(4)(i) and (m)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled "RC Exempt," then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

#### (n) Related Information

For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6450; fax: 425-917-6590; email: [alan.pohl@faa.gov](mailto:alan.pohl@faa.gov).

#### (o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Special Attention Service Bulletin 737-32-1486, dated November 6, 2014.

(ii) Boeing Special Attention Service Bulletin 737-32-1486, Revision 1, dated April 1, 2015.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone: 562-797-1717; Internet: <https://www.myboeingfleet.com>.

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 8, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service.

[FR Doc. 2017-03261 Filed 2-21-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-9305; Directorate  
Identifier 2016-NM-073-AD; Amendment  
39-18804; AD 2017-04-09]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation  
Administration (FAA), Department of  
Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2012-22-12 for all Airbus Model A330-243, -243F, -341, -342, and -343 airplanes. AD 2012-22-12 required inspecting piccolo tubes and mount links, the aft side of the forward bulkhead, and outer boundary angles (OBAs); and doing corrective actions if necessary. This new AD retains certain requirements of AD 2012-22-12, and adds inspections of certain areas of the forward bulkhead, and related investigative and corrective actions if necessary. This AD was prompted by reports of cracking of air intake cowls, worn and detached attachment links, fractured thermal anti-ice (TAI) piccolo tubes, and loose or missing attachment rivets of the inner boundary angles (IBAs) and OBAs of the forward bulkhead. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective March 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 29, 2017.

**ADDRESSES:** For Airbus service information identified in this final rule, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@airbus.com); Internet <http://www.airbus.com>.

For Rolls-Royce service information identified in this final rule, contact Rolls-Royce Plc, Technical Publications,

P.O. Box 31, Derby, DE24 8BJ, United Kingdom; telephone 44 (0) 1332 245882; fax 44 (0) 1332 249936; Internet <http://www.Rolls-Royce.com>.

You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9305.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9305; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

#### FOR FURTHER INFORMATION CONTACT:

Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1138; fax 425-227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012-22-12, Amendment 39-17248 (77 FR 67263, November 9, 2012) (“AD 2012-22-12”). AD 2012-22-12 applied to all Airbus Model A330-243, -243F, -341, -342, and -343 airplanes. The NPRM published in the **Federal Register** on November 7, 2016 (81 FR 78085). The NPRM was prompted by reports of cracking of air intake cowls on Rolls-Royce Trent engines, worn and detached attachment links, fractured TAI piccolo tubes, and loose or missing attachment rivets of the IBAs and the OBAs of the forward bulkhead. The NPRM proposed to retain certain requirements of AD 2012-22-12, and add repetitive inspections for pulled, loose, and missing attachment rivets of the IBAs and OBAs of the forward bulkhead, and related investigative and corrective actions if necessary. We are

issuing this AD to detect and correct degraded structural integrity of the engine nose cowl, which in the case of forward bulkhead damage in conjunction with a broken piccolo tube, could lead to damage to the engine and operation in icing conditions with reduced TAI performance.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive, 2016-0086R1, dated May 13, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus Model 330-243, -243F, -341, -342, and -343 airplanes. The MCAI states:

During shop visit, cracks were found in several primary structural parts of Rolls Royce (RR) Trent 700 engine air intake cowls, specifically in the forward bulkhead web, web stiffeners and outer boundary angles (OBA). In addition, several attachment links were found severely worn, and some became detached. In two cases, the thermal anti-ice (TAI) piccolo tube was found fractured. Investigation results show that the cracks are most likely due to acoustic excitation and vibration.

A broken piccolo tube, if not detected and corrected, in conjunction with forward air intake cowl bulkhead damage, could lead to in-flight detachment of the outer barrel, possibly resulting in damage to the engine or reduced control of the aeroplane.

To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A330-71-3025, making reference to RR SB RB.211-71-AG416, to provide inspection instructions, and, depending on findings, accomplishment of applicable corrective action(s).

Consequently, EASA issued AD 2011-0062 [which corresponds to FAA AD 2012-22-12] to require repetitive special detailed inspections (SDI) [borescope] of the piccolo tube and affected mount links, the aft side of forward bulkhead, inner boundary angles (IBA) and OBA of the RR Trent 700 air intake cowl assemblies, and, depending on findings, accomplishment of applicable corrective action(s).

Since EASA AD 2011-0062 was issued, some occurrences were reported of finding attachment rivets of the IBA and OBA either pulled, loose, or missing during inspection. It was determined that the affected IBA and OBA rivets may not have been previously inspected if operators accomplished the required inspection in accordance with the instructions of RR SB RB.211-71-AG416 at original issue.

To address this potentially missed inspection, Airbus published SB A330-71-3033, providing instructions for a one-time detailed inspection of the IBA and OBA attachment rivets, to be accomplished if the previous inspection was accomplished using the instructions of RR SB RB.211-71-AG416 at original issue. Airbus also published SB A330-71-3025 Revision 2, adding an inspection of the IBA and OBA attachment

rivets, to be used if the previous inspection was accomplished using RR SB RB.211-71-AG416 at issue 1 or later. Airbus also published SB A330-71-3032 to introduce a modification (mod) that would eliminate the need for repetitive inspections.

For the reasons described above, this [EASA] AD partially retains the requirements of EASA AD 2011-0062, which is superseded, and requires an additional [special] detailed inspection [borescope] of IBA and OBA forward bulkhead attachment rivets. This [EASA] AD also introduces an optional terminating action (Airbus mod 204615, embodied in production, which can be embodied in service with Airbus SB A330-71-3032) for the repetitive inspections required by this [EASA] AD.

This [EASA] AD is revised to improve clarity, including Airbus and RR SB references and inserting Notes to identify the Part Numbers (P/N) of the affected engine air intake nose cowl assemblies.

Related investigative actions include inspecting for cracked or fractured piccolo tubes and for broken piccolo tube links. Corrective actions include replacing the engine air intake cowl assembly and repair of pulled, loose, or missing rivets.

The compliance times for the related investigative and corrective actions range from before further flight to within 100 flight cycles, depending on the findings of the inspections.

The repetitive inspection interval for the IBAs, OBAs, and forward bulkhead varies depending on inspection findings, and ranges between 200 and 5,000 flight cycles. The repetitive inspection interval for the piccolo tubes and links is 2,500 flight cycles.

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9305.

#### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

#### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

#### Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A330-71-3025, Revision 02, dated December 9, 2015. This service information describes procedures for inspections of the piccolo tube and mount links, the aft side of the forward bulkhead, the IBAs, OBAs, and the forward bulkhead on the engine air intake cowl assemblies; and related investigative and corrective actions.

Airbus also has issued Service Bulletin A330-71-3032, dated

December 10, 2014. This service information describes procedures for a modification that improves the air intake primary structure and adds a new piccolo tube supporting structure on the engine air intake cowl assemblies.

In addition, Airbus has issued Service Bulletin A330-71-3033, dated December 14, 2015. This service information describes procedures for an inspection for pulled, loose, and missing attachment rivets of the IBAs and OBAs of the forward bulkhead, and corrective actions.

Rolls-Royce has issued Service Bulletin RB.211-71-H205, dated July 7, 2014. This service information describes procedures for modifying the nose cowl assembly acoustic panels.

Rolls-Royce also has issued Service Bulletin RB.211-71-H847, dated December 2, 2014. This service information describes procedures for modifying the air intake nose cowl assembly, forward bulkhead assembly, TAI spray ring, and the TAI spray ring supporting hardware.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

#### Costs of Compliance

We estimate that this AD affects 47 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections (new action)	12 work-hours × \$85 per hour = \$1,020 per inspection cycle.	\$0	\$1,020 per inspection cycle.	\$47,940 per inspection cycle.

#### ESTIMATED COSTS FOR OPTIONAL ACTIONS

Action	Labor cost	Parts cost	Cost per product
Modification .....	Up to 142 work-hours × \$85 per hour = \$12,070 .....	<sup>[1]</sup>	Up to \$12,070.

<sup>[1]</sup> We have received no definitive data that will enable us to provide material cost estimates for the optional actions specified in this AD.

We estimate the following costs to do any necessary repairs that will be

required based on the results of the inspection. We have no way of

determining the number of aircraft that might need these repairs:

#### ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repairs .....	16 work-hours × \$85 per hour = \$1,360 .....	<sup>[2]</sup>	\$1,360

<sup>[2]</sup> We have received no definitive data that will enable us to provide material cost estimates for the on-condition actions specified in this AD.

## Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

## Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

## § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–22–12, Amendment 39–17248 (77 FR 67263, November 9, 2012), and adding the following new AD:

**2017–04–09 Airbus:** Amendment 39–18804; Docket No. FAA–2016–9305; Directorate Identifier 2016–NM–073–AD.

### (a) Effective Date

This AD is effective March 29, 2017.

### (b) Affected ADs

This AD replaces AD 2012–22–12, Amendment 39–17248 (77 FR 67263, November 9, 2012) ("AD 2012–22–12").

### (c) Applicability

This AD applies to Airbus Model A330–243, –243F, –341, –342, and –343 airplanes, certificated in any category, all serial numbers.

### (d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

### (e) Reason

This AD was prompted by reports of cracking of air intake cowls on Rolls-Royce Trent engines, worn and detached attachment links, and fractured thermal anti-ice (TAI) piccolo tubes, and loose, or missing attachment rivets of the inner boundary angles (IBAs) and the outer boundary angles (OBAs) of the forward bulkhead. We are issuing this AD to detect and correct degraded structural integrity of the engine nose cowl, which in the case of forward bulkhead damage in conjunction with a broken piccolo tube, could lead to damage to the engine and operation in icing conditions with reduced TAI performance.

### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

### (g) Affected Engine Air Intake Nose Cowl Assemblies

The engine air intake nose cowl assemblies affected by this AD have part numbers (P/N) SJ30020, P/N SJ30361, P/N SJ30687, P/N SJ30810, and P/N SJ30811, as specified in Rolls-Royce Service Bulletin RB.211–71–H205, dated July 7, 2014.

(1) The engine air intake nose cowl assemblies having P/N SJ30020, P/N SJ30361, and P/N SJ30687 can be modified (reworked and re-identified as P/N SJ30810 (for P/N SJ30020 and P/N SJ30361) and P/N SJ30811 (for P/N SJ30687)), as specified in Rolls-Royce Service Bulletin RB.211–71–H205, dated July 7, 2014.

(2) The engine air intake nose cowl assemblies having P/N SJ30810 and P/N SJ30811 can be modified (reworked and re-identified as P/N SJ30820 and P/N SJ30821, respectively), as specified in Rolls-Royce Service Bulletin RB.211–71–H847, dated December 2, 2014.

## (h) Inspections, Related Investigative Actions, and Corrective Actions

For airplanes in pre-Airbus Modification 204615 and pre-Airbus Service Bulletin A330–71–3032 configuration: At the applicable times specified in paragraph (h)(1) or (h)(2) of this AD, do a special detailed inspection of the piccolo tube and affected mount links, the aft side of the forward bulkhead, and the IBAs and OBAs of the affected engine air intake cowl assemblies specified in paragraph (g) of this AD; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–71–3025, Revision 02, dated December 9, 2015, except as required by paragraph (i) of this AD. Do all applicable related investigative and corrective actions at the applicable time specified in paragraph 1.E., "Compliance," of Airbus Service Bulletin A330–71–3025, Revision 02, dated December 9, 2015. Repeat the inspections of the piccolo tube and affected mount links, the aft side of the forward bulkhead, and the IBAs and OBAs of the engine air intake cowl assemblies thereafter at the applicable intervals specified in paragraph 1.E., "Compliance," of Airbus Service Bulletin A330–71–3025, Revision 02, dated December 9, 2015. Accomplishment of corrective actions does not constitute terminating action for the repetitive inspections required by this paragraph.

(1) For any engine air intake cowl assembly that has accumulated fewer than 5,000 flight cycles since its first installation on an airplane as of the effective date of this AD: Inspect within 24 months after the engine air intake cowl assembly has accumulated 5,000 total flight cycles.

(2) For any engine air intake cowl assembly that has accumulated 5,000 or more flight cycles since its first installation on an airplane as of the effective date of this AD: Inspect within 24 months after the effective date of this AD.

## (i) Service Information Exception

Where Airbus Service Bulletin A330–71–3025, Revision 02, dated December 9, 2015, specifies to contact Bombardier Aerospace—Shorts for instructions, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

## (j) Optional Terminating Action

Modification of an airplane in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–71–3032, dated December 10, 2014, constitutes terminating action for the repetitive inspections required by paragraph (h) of this AD for the modified airplane only.

## (k) Parts Installation Limitation

As of the effective date of this AD, any pre-Airbus Modification 204615 part may be installed on any airplane provided that, at the earlier of the applicable times specified in paragraphs (h)(1) and (h)(2) of this AD following installation, the actions required by

paragraph (h) of this AD have been accomplished on the pre-Airbus Modification 204615 part.

#### (l) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A330-71-3025, dated January 10, 2011, which was incorporated by reference in AD 2012-22-12; or Airbus Service Bulletin A330-71-3025, Revision 01, dated October 24, 2012, which is not incorporated by reference in this AD; provided that, within 1,050 flight cycles after the effective date of this AD, a special detailed inspection for pulled, loose, and missing attachment rivets of the IBAs and OBAs of the forward bulkhead is accomplished; and all applicable corrective actions are done; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330-71-3033, dated December 14, 2015. Do all applicable corrective actions before further flight. Accomplishment of corrective actions does not constitute terminating action for the repetitive inspections required by paragraph (h) of this AD.

#### (m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1138; fax 425-227-1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov.

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(ii) AMOCs approved previously for AD 2012-22-12 are not approved as AMOCs with this AD.

(2) *Contacting the Manufacturer*: As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified

as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

#### (n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016-0086R1, dated May 13, 2016, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9305.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(3) and (o)(5) of this AD.

#### (o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A330-71-3025, Revision 02, dated December 9, 2015.

(ii) Airbus Service Bulletin A330-71-3032, dated December 10, 2014.

(iii) Airbus Service Bulletin A330-71-3033, dated December 14, 2015.

(iv) Rolls-Royce Service Bulletin RB.211-71-H205, dated July 7, 2014.

(v) Rolls-Royce Service Bulletin RB.211-71-H847, dated December 2, 2014.

(3) For Airbus service information identified in this AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@airbus.com); Internet <http://www.airbus.com>.

(4) For Rolls-Royce service information identified in this AD, contact Rolls-Royce Plc, Technical Publications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; telephone 44 (0) 1332 245882; fax 44 (0) 1332 249936; Internet <http://www.Rolls-Royce.com>.

(5) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 3, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-03260 Filed 2-21-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-0122; Directorate Identifier 2017-NM-010-AD; Amendment 39-18809; AD 2017-04-14]

RIN 2120-AA64

#### **Airworthiness Directives; Textron Aviation Inc. (Type Certificate Previously Held by Cessna Aircraft Company) Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Textron Aviation Inc. Model 560XL airplanes. This AD requires inspections of the fuel tube and right alternating current (AC) generator wires. This AD was prompted by reports of inadequate separation between the electrical wire bundle and fuel tube. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective March 9, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 9, 2017.

We must receive comments on this AD by April 10, 2017.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Textron Aviation Inc., P.O. Box 7706, Wichita, KS 67277; telephone 316-517-6215; fax 316-517-5802; email [citationpubs@txtav.com](mailto:citationpubs@txtav.com); Internet <https://support.cessna.com/custsupt/csupport/newlogin.jsp>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the



FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0122.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0122; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Craig Henrichsen, Aerospace Engineer, Electrical Systems and Avionics, ACE-119W, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Dwight D. Eisenhower Airport, Wichita, KS 67209; phone: 316-946-4110; fax: 316-946-4107; email: [Wichita-COS@faa.gov](mailto:Wichita-COS@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Discussion

We have been notified by Textron Aviation Inc. of a windshield heat failure reported by a flight crew. During follow-on troubleshooting activities, the maintenance crew discovered an open circuit breaker in the tail cone area after finding the AC generator electrical wires chafed against a motive flow fuel tube that was leaking. Additional inspections by the operator found two more airplanes with chafing damage to the wires and fuel tube. Textron Aviation Inc. also found evidence of damage to the electrical wire bundle on two other airplanes. Further inspections have found inadequate separation between the electrical wire bundle and fuel tube on 19 airplanes in service. The airplane quality inspection failed to identify the wire separation problem prior to airplane delivery. Inadequate separation between the fuel tube and electrical wire bundle, if not corrected, could result in chafing, a possible fuel leak,

and electrical arcing, which could lead to a fuel ignition source and possible uncontrolled fire in the tail cone of the airplane.

#### Related Service Information Under 1 CFR Part 51

We reviewed Textron Aviation Service Letter SL560XL-24-07, including Attachment, dated January 13, 2017. The service information describes procedures for inspections of the fuel tube and right AC generator wires, applicable adjustments, and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

#### AD Requirements

This AD requires accomplishing the actions specified in the service information described previously. This AD also requires sending the inspection results to Textron Aviation Inc. For information on the procedures and compliance times, see this service information at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0122.

The phrase "related investigative actions" is used in this AD. Related investigative actions are follow-on actions that (1) are related to the primary action, and (2) further investigate the nature of any condition found.

The phrase "corrective actions" is used in this AD. Corrective actions correct or address any condition found.

#### Interim Action

This AD is considered to be interim action. The inspection reports that are required by this AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the damage, and eventually to develop final

action to address the unsafe condition. Once final action has been identified, we might consider further rulemaking.

#### FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because inadequate separation between the electrical wire bundle and fuel tube could result in chafing, electrical arcing, and a possible fuel leak, leading to a fuel ignition source and possible uncontrolled fire in the tail cone of the airplane. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA-2017-0122 and Directorate Identifier 2017-NM-010-AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

#### Costs of Compliance

We estimate that this AD affects 639 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections .....	1 work-hour × \$85 per hour = \$85 .....	\$0	\$85	\$54,315
Reporting .....	1 work-hour × \$85 per hour = \$85 .....	0	85	54,315



We estimate the following costs to do any necessary repairs or replacements that would be required based on the

results of the inspection. We have no way of determining the number of

aircraft that might need these repairs or replacements:

#### ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Fuel tube repair or replacement .....	7 work-hours × \$85 per hour = \$595 .....	\$321	\$916
Electrical wiring replacement .....	8 work-hours × \$85 per hour = \$680 .....	14	1684

<sup>1</sup>These figures are based on 1 foot of wire at \$4 per foot.

#### Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–200.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs" describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

This AD will not have federalism implications under Executive Order

13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2017–04–14 Textron Aviation Inc. (Type Certificate Previously Held by Cessna Aircraft Company):** Amendment 39–18809; Docket No. FAA–2017–0122; Directorate Identifier 2017–NM–010–AD.

#### (a) Effective Date

This AD is effective March 9, 2017.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Textron Aviation Inc. (Type Certificate previously held by Cessna Aircraft Company) Model 560XL airplanes, certificated in any category, as identified in Textron Aviation Service Letter SL560XL–24–07, dated January 13, 2017.

#### (d) Subject

Air Transport Association (ATA) of America Code 24, Electrical power.

#### (e) Unsafe Condition

This AD was prompted by reports of inadequate separation between the electrical wire bundle and fuel tube. We are issuing this AD to detect and correct inadequate separation and consequent chafing, which could result in electrical arcing and a fuel leak, leading to a fuel ignition source and possible uncontrolled fire in the tail cone of the airplane.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Inspections, Adjustments, and Corrective Actions

Within 25 flight hours or 180 days after the effective date of this AD, whichever occurs first, do general visual inspections of the fuel tube and right alternating current (AC) generator wires for evidence of damage, do all applicable adjustments, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Textron Aviation Service Letter SL560XL–24–07, including Attachment, dated January 13, 2017. All applicable adjustments and corrective actions must be done before further flight.

#### (h) Reporting

Submit a report of the findings (both positive and negative) of the inspections required by paragraph (g) of this AD to Textron Aviation Inc. as specified in Textron Aviation Service Letter SL560XL–24–07, including Attachment, dated January 13, 2017, at the applicable time specified in paragraph (h)(1) or (h)(2) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 10 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

**(i) Special Flight Permit**

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

**(j) Paperwork Reduction Act Burden Statement**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

**(k) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Wichita Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(l) Related Information**

For more information about this AD, contact Craig Henrichsen, Aerospace Engineer, Electrical Systems and Avionics, ACE-119W, FAA, Wichita ACO, 1801 Airport Road, Room 100, Dwight D. Eisenhower Airport, Wichita, KS 67209; phone: 316-946-4110; fax: 316-946-4107; email: [Wichita-COS@faa.gov](mailto:Wichita-COS@faa.gov).

**(m) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Textron Aviation Service Letter SL560XL-24-07, including Attachment, dated January 13, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Textron Aviation Inc., P.O. Box 7706, Wichita, KS 67277; telephone 316-

517-6215; fax 316-517-5802; email [citationpubs@txtav.com](mailto:citationpubs@txtav.com); Internet <https://support.cessna.com/custsupt/csupport/newlogin.jsp>.

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 9, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-03363 Filed 2-21-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA-2016-9186; Directorate Identifier 2015-NM-160-AD; Amendment 39-18799; AD 2017-04-04]**

**RIN 2120-AA64**

**Airworthiness Directives; BAE Systems (Operations) Limited**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2012-16-08 for certain BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ series airplanes. AD 2012-16-08 required repetitive inspections for bulging, surface anomalies, and cracking of the fuselage skin adjacent to the discharge valves, and repair and application of additional sealant in the affected area if necessary. This new AD retains the requirements of AD 2012-16-08, expands the applicability, and requires an additional one-time inspection for the presence of water traps/air driers to determine which airplanes must be inspected. This AD was prompted by reports of cracking and surface anomalies of the fuselage skin at the water trap/air drier unit of the forward discharge valve due to corrosion, and the determination that airplanes on which a certain auto-pressurization modification was incorporated during production were excluded from the applicability of AD

2012-16-08, but are also affected by this condition. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective March 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of September 18, 2012 (77 FR 48420, August 14, 2012).

**ADDRESSES:** For service information identified in this final rule, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email [RApublications@baesystems.com](mailto:RApublications@baesystems.com); Internet <http://www.baesystems.com/Businesses/RegionalAircraft/index.htm>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9186.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9186; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

Theodore Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1175; fax 425-227-1149.

**SUPPLEMENTARY INFORMATION:****Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR

part 39 to supersede AD 2012–16–08, Amendment 39–17155 (77 FR 48420, August 14, 2012) (“AD 2012–16–08”). AD 2012–16–08 applied to certain BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ series airplanes. The NPRM published in the **Federal Register** on October 20, 2016 (81 FR 72557). The NPRM was prompted by reports of cracking and surface anomalies of the fuselage skin at the water trap/air drier unit of the forward discharge valve due to corrosion, and the determination that airplanes on which auto-pressurization modification No. HCM50259A was incorporated during production were excluded from the applicability of AD 2012–16–08, but are also affected by this condition. The NPRM proposed to continue to require repetitive detailed inspections for bulging, surface anomalies, and cracking of the fuselage skin adjacent to the discharge valves, and repair and application of additional sealant in the affected area if necessary. The NPRM also proposed to expand the applicability, and require an additional one-time inspection for the presence of water traps/air driers to determine which airplanes must be inspected. We are issuing this AD to detect and correct bulging, surface anomalies, and cracking that could propagate towards the forward discharge valve outlet and result in the failure of the fuselage skin, leading to a possible sudden loss of cabin pressure and injury to occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0180, dated August 28, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all BAE Systems (Operations) Limited Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes. The MCAI states:

An operator reported finding cracking and surface anomalies (bulges and/or dents) of the fuselage skin at the water trap/air drier unit of the forward discharge valve, located between fuselage frame (FR) 22 and FR23 and between stringers 22 and 23. Further investigation established that these surface anomalies were due to corrosion beneath the water trap/air drier unit that has resulted in cracking of the fuselage skin

This condition, if not detected and corrected, could lead to failure of the fuselage skin, possibly resulting in loss of cabin pressure and injury to occupants.

To address this potential unsafe condition, EASA issued AD 2011–0099 [which corresponds to FAA AD 2012–16–08] to require repetitive detailed visual inspections (DVI) of the fuselage skin adjacent to the front and rear discharge valves to check for

bulging, surface anomalies and cracking, and depending on findings, accomplishment of applicable corrective action(s), and the application of additional sealant in the affected area.

Since that [EASA] AD was issued, it was found that aeroplanes that have incorporated auto-pressurisation modification No. HCM50259A during production, which were excluded from the Applicability, were also affected by this condition.

In addition, and in order to simplify instructions for applicability, BAE Systems (Operations) Limited issued Revision 4 of Inspection Service Bulletin (ISB) No. 21–162, introducing a one-time inspection to identify if water trap/air driers are installed.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2011–0099, which is superseded, expands the Applicability and requires the additional one-time inspection as specified in the latest ISB revision.

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9186.

#### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

#### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

#### Related Service Information Under 1 CFR Part 51

BAE Systems (Operations) Limited has issued BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, Revision 4, dated January 28, 2015. The service information describes procedures for a visual inspection of the internal fuselage at the location of the water trap/air driers to determine if water trap/air driers are installed; an external detailed visual inspection for bulging, surface anomalies, and cracking of the fuselage skin adjacent to the forward and rear discharge valve outlets; repair; and sealant application.

BAE Systems (Operations) Limited has also issued the following service information, which describes procedures for structural repairs. These

documents are distinct since they apply to different airplane models.

- Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 100–200, Revision 68, dated October 15, 2014.

- Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 300, Revision 46, dated October 15, 2014.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### Costs of Compliance

We estimate that this AD affects 4 airplanes of U.S. registry.

The actions required by AD 2012–16–08 and retained in this AD take about 8 work-hours per product, at an average labor rate of \$85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2012–16–08 is \$680 per product.

We also estimate that it will take about 8 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be \$2,720, or \$680 per product.

We have received no definitive data that will enable us to provide cost estimates for the on-condition actions specified in this AD.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII: Aviation Programs,” describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

## Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–16–08, Amendment 39–17155 (77 FR 48420, August 14, 2012), and adding the following new AD:

#### 2017–04–04 BAE Systems (Operations)

**Limited:** Amendment 39–18799; Docket No. FAA–2016–9186; Directorate Identifier 2015–NM–160–AD.

#### (a) Effective Date

This AD is effective March 29, 2017.

#### (b) Affected ADs

This AD replaces AD 2012–16–08, Amendment 39–17155 (77 FR 48420, August 14, 2012) (“AD 2012–16–08”).

#### (c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category, all serial numbers.

(1) BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A airplanes.

(2) BAE Systems (Operations) Limited Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes.

#### (d) Subject

Air Transport Association (ATA) of America Code 21, Air Conditioning.

#### (e) Reason

This AD was prompted by reports of cracking and surface anomalies of the fuselage skin at the water trap/air drier unit of the forward discharge valve due to corrosion, and the determination that airplanes on which auto-pressurization modification No. HCM50259A was incorporated during production were excluded from the applicability of AD 2012–16–08, but are also affected by this condition. We are issuing this AD to detect and correct bulging, surface anomalies, and cracking that could propagate towards the forward discharge valve outlet and result in the failure of the fuselage skin, leading to a possible sudden loss of cabin pressure and injury to occupants.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Retained Detailed Inspection of External Fuselage Skin, With Specific Delegation Approval Language

This paragraph restates the requirements of paragraph (g) of AD 2012–16–08, with specific delegation approval language. For all airplanes except airplanes that have incorporated auto-pressurization modification HCM50259A during production: Within 12 months after September 18, 2012 (the effective date of AD 2012–16–08), do a detailed inspection to check for bulging, surface anomalies, and cracking of the fuselage skin adjacent to the discharge valve outlets (one frame fore and aft, one stringer above and below), in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, Revision 1, dated September 16, 2010. Repeat the inspection thereafter at intervals not to exceed 24 months.

(1) If any bulging, surface anomalies, or cracking of the fuselage skin is found to be within the criteria defined in Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 100–200, Revision 66, dated October 15, 2011 (for Model 146–100A and –200A, and Avro 146–RJ70A and 146–RJ85A airplanes); or Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 300, Revision 44, dated October 15, 2011 (for Model 146–300A and Avro 146–RJ100A airplanes): Before further flight, repair the damage, in accordance with the Accomplishment Instructions specified in BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, Revision 1, dated September 16, 2010.

(2) If any bulging, surface anomalies, or cracking of the fuselage skin is found exceeding the criteria as specified by Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 100–200, Revision 66, dated October 15, 2011 (for Model 146–100A and –200A, and Avro 146–RJ70A and 146–RJ85A airplanes); or Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146/AVRO 146–RJ Series Structural Repair Manual for Series 300, Revision 44, dated October 15, 2011 (for Model 146–300A and Avro 146–RJ100A airplanes): Before further flight, repair the condition according to a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or BAE Systems (Operations) Limited’s EASA Design Organization Approval (DOA).

#### (h) Retained Application of Sealant, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2012–16–08, with no changes. For all airplanes except airplanes on which auto-pressurization modification HCM50259A was incorporated during production: Within 24 months after September 18, 2012 (the effective date of AD 2012–16–08), unless a repair has already been accomplished in accordance with paragraph (g) of this AD, apply additional PR1422A–2 or PR1764B–2 edge sealant between the water trap/air drier and the fuselage skin, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, Revision 1, dated September 16, 2010. Application of additional sealant does not constitute terminating action for the repetitive detailed inspections required by paragraph (g) of this AD. Accomplishment of a repair as required by paragraph (g) of this AD terminates the repetitive inspection requirements of paragraph (g) of this AD.

#### (i) New Requirement of This AD: Inspection for Water Traps/Air Driers

Within 12 months after the effective date of this AD, inspect the airplane to determine whether water traps/air driers are installed, in accordance with paragraph 2.C of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, Revision 4, dated January 28, 2015 (“ISB.21–162 R4”). If there are no water traps/air driers installed on an airplane, then no further inspections are required by this AD, except as required by paragraph (n) of this AD.

#### (j) New Requirement of This AD: Repetitive Inspections

For airplanes that have water traps/air driers installed, determined as required by paragraph (i) of this AD: Within 12 months after the effective date of this AD, accomplish a detailed visual inspection for bulging, surface anomalies, and cracking of the external fuselage skin adjacent to the discharge valve outlets (one frame bay fore and aft, one stringer above and below), in

accordance with the Accomplishment Instructions of paragraph 2.C. of ISB.21–162 R4. Repeat the inspection of the external fuselage skin adjacent to the discharge valve outlets thereafter at intervals not to exceed 24 months. Accomplishing an inspection required by this paragraph terminates the inspections required by paragraph (g) of this AD.

**(k) New Requirement of This AD: Corrective Actions**

If, during any detailed visual inspection required by paragraph (j) of this AD, any bulging, surface anomalies, or cracking is found, before further flight, accomplish the applicable corrective action as specified in paragraphs (k)(1) and (k)(2) this AD.

(1) If any bulging, surface anomalies, or cracking is found to be within the criteria as specified in the applicable service information specified in paragraph (k)(1)(i) or (k)(1)(ii) of this AD, before further flight, repair in accordance with the Accomplishment Instructions of paragraph 2.G. of ISB.21–162 R4.

(i) For Model BAe 146–100A and –200A airplanes, and Model Avro 146–RJ70A and 146–RJ85A airplanes: Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 100–200, Revision 68, dated October 15, 2014.

(ii) For Model BAe 146–300A airplanes and Model Avro 146–RJ100A airplanes: Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 300, Revision 46, dated October 15, 2014.

(2) If any bulging, surface anomalies, or cracking is found exceeding the criteria as specified in the applicable service information specified in paragraph (k)(1)(i) or (k)(1)(ii) of this AD, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or BAE Systems (Operations) Limited’s EASA DOA.

**(l) New Requirement of This AD: Application of Sealant**

Within 24 months after the effective date of this AD, unless a repair has already been accomplished as required by paragraph (k) of this AD, apply additional sealant, in accordance with the Accomplishment Instructions of paragraph 2.C.(3) of ISB.21–162 R4. Application of additional sealant on an airplane does not constitute terminating action for the repetitive inspections required by paragraph (j) of this AD for that airplane.

**(m) New Terminating Action for Inspections Required by Paragraph (i) of This AD**

Accomplishment of a repair on the forward (FWD) or aft (AFT) position as required by paragraph (k) of this AD constitutes terminating action for the repetitive inspections required by paragraph (j) of this AD for that FWD or AFT position.

**(n) New Requirement of This AD: Actions for Airplanes on Which Water Trap/Air Driers Are Installed After the Effective Date**

For airplanes that do not have water traps/air driers installed, determined as required by paragraph (i) of this AD: If water traps/air driers are installed in service after the effective date of this AD, accomplish the actions required by paragraphs (j), (k), and (l) of this AD on that airplane within the applicable compliance times specified in paragraphs (j), (k), and (l) of this AD; except where paragraphs (j) and (l) of this AD refer to “the effective date of this AD,” this AD requires compliance within the specified compliance time after the installation of water traps/air driers.

**(o) Credit for Previous Actions**

(1) This paragraph provides credit for inspections and sealant applications required by paragraphs (g) and (h) of this AD, if those actions were performed before September 18, 2012 (the effective date of AD 2012–16–08), using BAE SYSTEMS (OPERATIONS) LIMITED Inspection Service Bulletin ISB.21–162, dated June 7, 2010.

(2) This paragraph provides credit for using criteria defined in the following subject of the applicable structural repair manual, as required by paragraphs (g)(1) and (g)(2) of this AD, if those criteria were used before September 18, 2012 (the effective date of AD 2012–16–08), using Subject 53–00–00, “Fuselage, General—Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 100–200, Revision 65, dated September 15, 2010 (for Model 146–100A and –200A, and Avro 146–RJ70A and 146–RJ85A airplanes); or Subject 53–00–00, “Fuselage, General—Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 300, Revision 43, dated September 15, 2010 (for Model 146–300A and Avro 146–RJ100A airplanes).

(3) This paragraph provides credit for actions required by paragraphs (i), (j), and (l) of this AD, if those actions were performed before the effective date of this AD using any of the service information specified in paragraphs (o)(3)(i) through (o)(3)(iv) of this AD.

(i) BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, dated June 7, 2010.

(ii) BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, Revision 1, dated September 16, 2010, which was incorporated by reference in AD 2012–16–08.

(iii) BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, Revision 2, dated December 12, 2012.

(iv) BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, Revision 3, dated January 15, 2013.

**(p) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Branch, ANM–116, Transport Airplane

Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Theodore Thompson, Aerospace Engineer, telephone 425–227–1175; fax 425–227–1149. Information may be emailed to: 9–ANM–116–AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer*: As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or BAE Systems (Operations) Limited’s EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

**(q) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0180, dated August 28, 2015, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9186.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (r)(5) and (r)(6) of this AD.

**(r) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on March 29, 2017.

(i) BAE Systems (Operations) Limited Inspection Service Bulletin ISB.21–162, Revision 4, dated January 28, 2015.

(ii) Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146 RJ Series Structural Repair Manual for Series 100–200, Revision 68, dated October 15, 2014.

(iii) Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146–RJ Series Structural Repair Manual for Series 300, Revision 46, dated October 15, 2014.

(4) The following service information was approved for IBR on September 18, 2012.

(i) BAE SYSTEMS (OPERATIONS) LIMITED Inspection Service Bulletin ISB.21–162, Revision 1, dated September 16, 2010.

(ii) Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of

the BAE SYSTEMS BAe 146 Series/AVRO 146-RJ Series Structural Repair Manual for Series 100–200, Revision 66, dated October 15, 2011. The revision level of this document is specified only in the Letter of Transmittal.

(iii) Subject 53–00–00, “Fuselage, General Description,” of Chapter 53, “Fuselage,” of the BAE SYSTEMS BAe 146 Series/AVRO 146-RJ Series Structural Repair Manual for Series 300, Revision 44, dated October 15, 2011. The revision level of this document is specified only in the Letter of Transmittal.

(5) For service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email [RAPublications@baesystems.com](mailto:RAPublications@baesystems.com); Internet <http://www.baesystems.com/Businesses/RegionalAircraft/index.htm>.

(6) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on January 23, 2017.

**Dionne Palermo,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017–03022 Filed 2–21–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2016–9049; Directorate Identifier 2016–NM–039–AD; Amendment 39–18807; AD 2017–04–12]

**RIN 2120–AA64**

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (Embraer) Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135BJ, EMB–135ER, EMB–135KE, EMB–135KL, EMB–135LR, EMB–145, EMB–145EP, EMB–145ER, EMB–145LR, EMB–145MP, EMB–145MR, and EMB–145XR airplanes. This AD was prompted by

reports of main airspeed indication discrepancies during flight; these discrepancies resulted from ice blockages in certain pitot total pressure lines. This AD requires an inspection for tube misalignment of the pitot number 1 and pitot number 2 tube assembly lines, and corrective actions if necessary; installation or replacement (as applicable) of a tube ribbon heater on the pitot number 1 and pitot number 2 tube assembly lines; and revision of the airplane flight manual (AFM) to provide certain procedures and airspeed tables for the flightcrew. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective March 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 29, 2017.

**ADDRESSES:** For service information identified in this final rule, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170–Putim–12227–901 São Jose dos Campos–SP–Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email [distrib@embraer.com.br](mailto:distrib@embraer.com.br); Internet <http://www.flyembraer.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9049.

#### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9049; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA,

1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes. The NPRM published in the **Federal Register** on August 30, 2016 (81 FR 59528) (“the NPRM”). The NPRM was prompted by reports of main airspeed indication discrepancies during flight; these discrepancies resulted from ice blockages in certain pitot total pressure lines. The NPRM proposed to require an inspection for tube misalignment of the pitot number 1 and pitot number 2 tube assembly lines, and corrective actions if necessary; installation or replacement (as applicable) of a tube ribbon heater on the pitot number 1 and pitot number 2 tube assembly lines; and revision of the AFM to provide certain procedures and airspeed tables for the flightcrew. We are issuing this AD to detect and correct water accumulating and freezing in the pitot number 1 and pitot number 2 total pressure lines, which could result in erroneous main airspeed indications and consequent reduced ability of the flightcrew to maintain safe flight and landing of the airplane.

Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2016–03–01, effective March 11, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135 airplanes, and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes. The MCAI states:

This [Brazilian] AD results from reports of main airspeed indication discrepancies during flight. The investigation has revealed that Pitot #1 and #2 total pressure line blockage may occur due to water accumulation and freezing during heavy rain conditions. We are issuing this [Brazilian] AD to prevent water accumulation and freezing in the Pitot #1 and Pitot #2 total pressure lines, which could result in erroneous main airspeed indications and reduce the ability of the flight crew to maintain the safe flight and landing of the airplane.

Since this condition may occur in other airplanes of the same type and affects flight

safety, a corrective action is required. Thus, sufficient reason exists to request compliance with this [Brazilian] AD \* \* \*.

The required actions include a general visual inspection for tube misalignment of pitot number 1 and pitot number 2 tube assembly lines. Corrective actions include replacement of affected pitot tubes with new pitot tubes. The required actions also include installation, or, for certain airplanes, replacement, of a tube ribbon heater on the pitot number 1 and pitot number 2 tube assembly lines, and revision of the AFM to provide certain procedures and airspeed tables for the flightcrew. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9049.

### Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received. The Air Line Pilots Association, International supported the NPRM.

### Changes Since the NPRM Was Issued

We have revised this AD to refer to Embraer Service Bulletin 145-30-0056, Revision 03, dated February 6, 2015. The service information specifies that no additional work is needed if the actions in Embraer Service Bulletin 145-30-0056, Revision 01, dated March 31, 2014; or Revision 02, dated December 10, 2014; have been accomplished. We have revised paragraph (k) of this AD to provide credit for actions done prior to the effective date of this AD using Embraer Service Bulletin 145-30-0056, Revision 01, dated March 31, 2014; or Revision 02, dated December 10, 2014.

### Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

### Related Service Information Under 1 CFR Part 51

Embraer has issued the following service information.

- Embraer Service Bulletin 145-30-0056, Revision 03, dated February 6, 2015; and Embraer Service Bulletin 145LEG-30-0021, dated March 31, 2014. This service information describes procedures to inspect the pitot pressure tubes for misalignment, install new heaters, and perform repairs. These documents are distinct since they apply to different airplane models.

- Embraer Temporary Revision (TR) 19.1, dated April 22, 2014, to Volume 1 of the Embraer Legacy Aircraft Operations Manual (AOM) AOM-135/1542-01. This service information contains, among other things, the "Unreliable Airspeed Procedure" in the Emergency/Abnormal Procedures section and the "Unreliable Airspeed Tables" (corresponding to the airplane configuration) in the Performance section.

- Embraer TR 40.2, dated April 4, 2014, to Volume 1, of the Embraer EMB-145 AOM AOM-145/1114-01. This service information contains, among other things, the "Unreliable Airspeed Procedure" in the Emergency/Abnormal Procedures section and the "Unreliable Airspeed Tables" (corresponding to the airplane configuration) in the Performance section.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

### Costs of Compliance

We estimate that this AD affects 668 airplanes of U.S. registry.

We also estimate that it will take up to 5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour. Required parts will cost about \$3,254 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be up to \$2,457,572, or up to \$3,679 per product.

We have received no definitive data that will enable us to provide cost estimates for the on-condition actions specified in this AD.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all available costs in our cost estimate.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.



**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2017-04-12 Empresa Brasileira de Aeronautica S.A. (Embraer):**  
Amendment 39-18807; Docket No. FAA-2016-9049; Directorate Identifier 2016-NM-039-AD.

**(a) Effective Date**

This AD is effective March 29, 2017.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to the Empresa Brasileira de Aeronautica S.A. (Embraer) airplanes, certificated in any category, identified in paragraphs (c)(1) through (c)(4) of this AD.

(1) Model EMB-135ER, EMB-135KE, EMB-135KL, EMB-135LR, EMB-145, EMB-145EP, EMB-145ER, EMB-145LR, EMB-145MP, EMB-145MR, and EMB-145XR airplanes, as identified in Embraer Service Bulletin 145-30-0056, Revision 03, dated February 6, 2015.

(2) Model EMB-135BJ airplanes, as identified in Embraer Service Bulletin 145LEG-30-0021, dated March 31, 2014.

(3) Model EMB-135ER, EMB-135KE, EMB-135KL, EMB-135LR, EMB-145, EMB-145EP, EMB-145ER, EMB-145LR, EMB-145MR, EMB-145MP, and EMB-145XR airplanes, manufacturer serial numbers (MSNs) 14501153 and subsequent.

(4) Model EMB-135BJ airplanes, MSNs 14501190 through 14501197 inclusive, 14501199 through 14501210 inclusive, 14501212 through 14501227 inclusive, 14501229 through 14501249 inclusive, and subsequent.

**(d) Subject**

Air Transport Association (ATA) of America Code 30, Ice and rain protection.

**(e) Reason**

This AD was prompted by reports of main airspeed indication discrepancies during flight; these discrepancies resulted from ice blockages in certain pitot total pressure lines. We are issuing this AD to detect and correct water accumulating and freezing in the pitot number 1 and pitot number 2 total pressure lines, which could result in erroneous main airspeed indications and consequent reduced ability of the flightcrew to maintain safe flight and landing of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Inspection, Corrective Action, and Installation**

(1) For airplanes identified as Group 1 in Embraer Service Bulletin 145-30-0056, Revision 03, dated February 6, 2015: Within 6,600 flight hours after the effective date of this AD, do a general visual inspection for tube misalignment on the pitot number 1 and pitot number 2 tube assemblies; do all applicable corrective actions; and install a

new tube ribbon heater on the pitot number 1 and pitot number 2 tube assemblies; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145-30-0056, Revision 03, dated February 6, 2015. Do all applicable corrective actions before further flight.

(2) For airplanes identified as Group 1 in Embraer Service Bulletin 145LEG-30-0021, dated March 31, 2014: Within 5,000 flight hours or 48 months after the effective date of this AD, whichever occurs first, do a general visual inspection for tube misalignment on the pitot number 1 and pitot number 2 tube assemblies; do all applicable corrective actions; and install a new tube ribbon heater on the pitot number 1 and pitot number 2 tube assemblies; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145LEG-30-0021, dated March 31, 2014. Do all applicable corrective actions before further flight.

**(h) Inspection, Corrective Action, and Replacement**

(1) For airplanes identified as Group 2 in Embraer Service Bulletin 145-30-0056, Revision 03, dated February 6, 2015: Within 6,600 flight hours after the effective date of this AD, do a general visual inspection for tube misalignment on the pitot number 1 and pitot number 2 tube assemblies; do all applicable corrective actions; and replace the tube ribbon heater with a new tube ribbon heater on the pitot number 1 and pitot number 2 tube assemblies; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145-30-0056, Revision 03, dated February 6, 2015. Do all applicable corrective actions before further flight.

(2) For airplanes identified as Group 2 in Embraer Service Bulletin 145LEG-30-0021, dated March 31, 2014: Within 5,000 flight hours or 48 months after the effective date of this AD, whichever occurs first, do a general visual inspection for tube misalignment on the pitot number 1 and pitot number 2 tube assemblies; do all applicable corrective actions; and replace the tube ribbon heater with a new tube ribbon heater on the pitot number 1 and pitot number 2 tube assemblies; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145LEG-30-0021, dated March 31, 2014. Do all applicable corrective actions before further flight.

**(i) Airplane Flight Manual (AFM) Revision**

(1) For airplanes identified in paragraphs (c)(1) and (c)(3) of this AD: Within 60 days after the effective date of this AD, revise the AFM to include the information in the “Unreliable Airspeed Procedure” in the Emergency/Abnormal Procedures section and the “Unreliable Airspeed Tables” (corresponding to the airplane configuration) in the Performance section, as specified in Embraer Temporary Revision (TR) 40.2, dated April 4, 2014, to Volume 1, of the Embraer EMB-145 Aircraft Operations Manual (AOM) AOM-145/1114-01 (“Embraer TR 40.2”).

(2) For airplanes identified in paragraphs (c)(2) and (c)(4) of this AD: Within 60 days after the effective date of this AD, revise the

AFM to include the information in the “Unreliable Airspeed Procedure” in the Emergency/Abnormal Procedures section and the “Unreliable Airspeed Tables” (corresponding to the airplane configuration) in the Performance section, as specified in Embraer TR 19.1, dated April 22, 2014, to Volume 1 of the Embraer EMB-145 AOM AOM-135/1542-01 (“Embraer TR 19.1”).

**(j) AFM Revision Method of Compliance**

The AFM revisions required by paragraphs (i)(1) and (i)(2) of this AD may be done by inserting Embraer AOM TR 40.2 or Embraer AOM TR 19.1, as applicable, into the AFM. When the applicable Embraer AOM TR has been included in general revisions of the AFM, the general revisions may be inserted in the AFM, provided the relevant information in the general revision is identical to that in Embraer AOM TR 40.2 or Embraer AOM TR 19.1, as applicable, and the applicable Embraer AOM TR may be removed from the AFM.

**(k) Credit for Previous Actions**

This paragraph provides credit for the actions required by paragraphs (g)(1) and (h)(1) of this AD, if those actions were performed before the effective date of this AD using Embraer Service Bulletin 145-30-0056, dated December 19, 2013; Revision 01, dated March 31, 2014; or Revision 02, dated December 10, 2014.

**(l) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1175; fax 425-227-1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the Agência Nacional de Aviação Civil (ANAC); or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

**(m) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian Airworthiness Directive 2016-03-01,



effective March 11, 2016, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9049.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(4) of this AD.

**(n) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Embraer Service Bulletin 145-30-0056, Revision 03, dated February 6, 2015.

(ii) Embraer Service Bulletin 145LEG-30-0021, dated March 31, 2014.

(iii) Embraer Temporary Revision 19.1, dated April 22, 2014, to Volume 1 of the Embraer Legacy Aircraft Operations Manual AOM-135/1542-01.

(iv) Embraer Temporary Revision 40.2, dated April 4, 2014, to Volume 1, of the Embraer EMB-145 Aircraft Operations Manual AOM-145/1114-01.

(3) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227-901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927-5852 or +55 12 3309-0732; fax +55 12 3927-7546; email [distrib@embraer.com.br](mailto:distrib@embraer.com.br); Internet <http://www.flyembraer.com>

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 3, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-03259 Filed 2-21-17; 8:45 am]

**BILLING CODE 4910-13-P**

## CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2017-0012]

### 16 CFR Part 1217

#### Revisions to Safety Standard for Toddler Beds

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Direct final rule.

**SUMMARY:** In accordance with section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), also known as the Danny Keysar Child Product Safety Notification Act, in April 2011 the U.S. Consumer Product Safety Commission (Commission, or CPSC) published a consumer product safety standard for toddler beds. The standard incorporated by reference the ASTM voluntary standard for toddler beds, with several modifications. The CPSIA sets forth a process for updating standards that the Commission has issued under the authority of section 104(b) of the CPSIA. In accordance with that process, we are publishing this direct final rule, revising the CPSC's standard for toddler beds to incorporate by reference a more recent version of the applicable ASTM standard.

**DATES:** The rule is effective on June 6, 2017, unless we receive significant adverse comment by March 24, 2017. If we receive timely significant adverse comments, we will publish notification in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of June 6, 2017.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC-2017-0012, by any of the following methods:

*Submit electronic comments in the following way:*

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (email), except through [www.regulations.gov](http://www.regulations.gov).

*Submit written submissions in the following way:*

Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

*Instructions:* All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

**FOR FURTHER INFORMATION CONTACT:**

Daniel E. Dunlap, Compliance Officer, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814-4408; telephone: 301-504-7733; email: [ddunlap@cpsc.gov](mailto:ddunlap@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

#### A. Background

*The Danny Keysar Child Product Safety Notification Act.* Section 104(b)(1)(B) of the CPSIA, also known as the Danny Keysar Child Product Safety Notification Act, requires the Commission to promulgate consumer product safety standards for durable infant or toddler products. The law requires that these standards are to be “substantially the same as” applicable voluntary standards or more stringent than the voluntary standards if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

Section 104(b)(4)(B) of the CPSIA also sets forth a process for updating CPSC's durable infant or toddler standards when the voluntary standard upon which the CPSC standard was based is changed. Under that process, when an organization revises the voluntary standard, it must notify the Commission. Unless the Commission determines within 90 days of receiving the notice that the revision does not improve the safety of the product, the revised standard is considered to be the new CPSC standard effective 180 days from the date the Commission received notice of the revision (or a later date specified by the Commission).

*The CPSC's Toddler Bed Standard.* In accordance with section 104(b)(1) of the CPSIA, on April 20, 2011, the Commission published a safety standard that incorporated by reference ASTM F1821-09, *Standard Consumer Safety Specification for Toddler Beds*, along with several modifications, as a mandatory consumer product safety standard. (76 FR 22019 (April 20, 2011)); correction notice<sup>1</sup> (76 FR 27882 (May 13, 2011)). ASTM officially notified the CPSC on September 25, 2013 that ASTM had published a revised 2013 version of ASTM F1821. The Commission voted unanimously to publish a **Federal Register** notice revising the Commission's toddler bed standard to reference ASTM F1821-13, effective March 24, 2014 (78 FR 73692 (December 9, 2013); codified at 16 CFR

<sup>1</sup> The Office of the Federal Register inadvertently omitted the last two sections and figures from the April 20, 2011 **Federal Register** notice.

part 1217). On April 6, 2015, ASTM officially notified the CPSC that ASTM had revised ASTM's toddler bed standard again and had published a revised 2015 version of ASTM F1821. Due to an inadvertent omission in the revised standard, the Commission voted unanimously (5–0) to retain the existing consumer product safety standard.<sup>2</sup> As explained below, ASTM has notified the CPSC that it has published a revised 2016 version of ASTM F1821 that corrects the previous omission.

**Notification of Recent Revision.** On December 8, 2016, ASTM notified the CPSC of ASTM's approval and publication of ASTM F1821–16 in a standard approved on October 1, 2016, ASTM F1821–16, *Standard Consumer Safety Performance Specification for Toddler Beds*. As discussed below, the Commission has reviewed the differences between 16 CFR part 1217 and ASTM F1821–16.

## B. 2015 and 2016 Revisions to the ASTM Standard

A “toddler bed” is defined in ASTM F1821–16 as any bed sized to accommodate a full-size crib mattress having minimum dimensions of 51 <sup>5</sup>/<sub>8</sub> inches (1310 mm) in length and 27 <sup>1</sup>/<sub>4</sub> inches (690 mm) in width and is intended to provide free access and egress to a child not less than 15 months of age and who weighs no more than 50 pounds (22.7 kg). The standard was developed in response to incident data supplied by the CPSC in an attempt to minimize the following hazards: Entrapment in bed end structures, entrapment between the guardrail and side rail, and entrapment in the mattress support system. The standard has provisions that address these hazards. In addition, the ASTM standard has provisions addressing corner post extensions, which may catch cords, ribbons, necklaces or clothing. There are several differences between 16 CFR part 1217 (which incorporates by reference ASTM F1821–13) and the revised version of the standard, ASTM F1821–16. We summarize the differences and the CPSC's assessment of the revisions below.

### ASTM F1821–15 Revision

ASTM F1821–15, approved in February 2015, and published in March 2015, revised ASTM F1821–13. ASTM notified the Commission about this revision on April 6, 2015. This revision contained two significant changes.

- Section 5.10—*Corner Post Extensions* was modified to allow an

exception to the requirement for corner posts so that canopy post extensions 57 inches or greater are allowed on toddler beds. General requirements were added in section 5.10.1 and 5.10.2 so that new protrusion/entanglement hazards are not created as a result of this exception. The Commission considers this a neutral change to the standard.

- Section 6.5—*End Structures* was modified to address potential entrapment hazards between the side rails and mattress support system. Because guard rails are optional on toddler beds, the ASTM subcommittee recognized the need to address the entrapment hazard with side rails and guardrails, not just the head and foot “end” structures. The Commission considers this a safety improvement to the standard.

As mentioned, the 2015 version should have modified, but inadvertently did *not* modify, the Section 7.5 --; *End Structures* test requirements to include testing requirements for potential entrapment in the side rails, as identified in 6.5. Failure to include these requirements negated the intended safety improvement noted in section 6.5.

### ASTM F1821–16 Revision

ASTM F1821–16, approved and published on October 1, 2016, revised ASTM F1821–15. ASTM notified the Commission of this revision on December 8, 2016. This revision contains the test requirements for the side rails, which were missing from ASTM F1821–15. Section 7.5 now includes end structures and side rails in the testing requirements. Section 7.5.1 explains how to test potential entrapment hazards in end structures, and section 7.5.2 explains how to test potential entrapment hazards in side rails. The Commission considers the addition of performance and test requirements for potential entrapment in side rails to improve the safety of toddler beds. Thus, the Commission is allowing the revised version, ASTM F1821–16, to become the new CPSC mandatory standard for toddler beds.

In accordance with section 104(b)(4) of the CPSIA, the revised ASTM standard for toddler beds becomes the new CPSC standard 180 days after the date the CPSC received notification of the revision from ASTM. This rule revises the incorporation by reference in 16 CFR part 1217, to reference ASTM F1821–16.

## C. Incorporation by Reference

The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part

51. Under these regulations, agencies must discuss, in the preamble to the final rule, ways that the materials the agency incorporates by reference are reasonably available to interested persons and how interested parties can obtain the materials. In addition, the preamble to the final rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR's requirements, section B of this preamble summarizes the major provisions of ASTM F1821–16 standard that the Commission incorporates by reference into 16 CFR part 1217. The standard is reasonably available to interested parties and interested parties may purchase a copy of the standard from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428–2959 USA, phone: 610–832–9585; <http://www.astm.org/>. A copy of the standard can also be inspected at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

## D. Certification

Section 14(a) of the CPSA requires that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, be certified as complying with all applicable CPSC requirements. 15 U.S.C. 2063(a). Such certification must be based on a test of each product, or on a reasonable testing program or, for children's products, on tests on a sufficient number of samples by a third party conformity assessment body accredited by the Commission to test according to the applicable requirements. As noted in the preceding discussion, standards issued under section 104(b)(1)(B) of the CPSIA are “consumer product safety standards.” Thus, they are subject to the testing and certification requirements of section 14 of the CPSA.

Because toddler beds are children's products, samples of these products must be tested by a third party conformity assessment body whose accreditation has been accepted by the Commission. These products also must comply with all other applicable CPSC requirements, such as the lead content requirements in section 101 of the CPSIA, the phthalates prohibitions in section 108 of the CPSIA, the tracking label requirement in section 14(a)(5) of the CPSA, and the consumer registration form requirements in the Danny Keysar Child Product Safety Notification Act.

<sup>2</sup> <https://www.cpsc.gov/th/content/rca-astm%E2%80%99s-revisions-to-toddler-bed-standard>.

### E. Notice of Requirements

In accordance with section 14(a)(3)(B)(iv) of the CPSA, the Commission has previously published a notice of requirements (NOR) for accreditation of third party conformity assessment bodies for testing toddler beds (76 FR 22030 (April 20, 2011)). The NOR provided the criteria and process for our acceptance of accreditation of third party conformity assessment bodies for testing toddler beds to 16 CFR part 1217 (which incorporated ASTM F1821–13 with several modifications). The NOR is listed in the Commission's rule, "Requirements Pertaining to Third Party Conformity Assessment Bodies." 16 CFR part 1112.

No change to the NOR in 16 CFR part 1112 is required for the Commission's revision to 16 CFR part 1217 updating the reference to ASTM F1821–16 because the NOR currently in effect already requires that the accreditation scope include a reference to 16 CFR part 1217. Laboratories would begin testing to the new standard when it goes into effect. Therefore, the Commission considers the existing accreditations that the Commission has accepted for testing to this standard also to cover testing to the revised standard. The existing NOR for this standard will remain in place, and CPSC-accepted third party conformity assessment bodies are expected to update the scope of the testing laboratories' accreditation to reflect the revised standard in the normal course of renewing their accreditation.

### F. Direct Final Rule Process

The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA) generally requires notice and comment rulemaking, section 553 of the APA provides an exception when the agency, for good cause, finds that notice and public procedure are "impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b)(B). The Commission concludes that when the Commission updates a reference to an ASTM standard that the Commission has incorporated by reference under section 104(b) of the CPSIA, notice and comment is not necessary.

Under the process set out in section 104(b)(4)(B) of the CPSIA, when ASTM revises a standard that the Commission has previously incorporated by reference as a Commission standard for a durable infant or toddler product under section 104(b)(1)(b) of the CPSIA, that revision will become the new CPSC standard unless the Commission determines that ASTM's revision does

not improve the safety of the product. Thus, unless the Commission makes such a determination, the ASTM revision becomes CPSC's standard by operation of law. The Commission is allowing ASTM F1821–16 to become CPSC's new standard. The purpose of this direct final rule is merely to update the reference in the Code of Federal Regulations so that it accurately reflects the version of the standard that takes effect by statute. Public comment will not impact the substantive changes to the standard or the effect of the revised standard as a consumer product safety standard under section 104(b) of the CPSIA. Under these circumstances, notice and comment is not necessary. In Recommendation 95–4, the Administrative Conference of the United States (ACUS) endorsed direct final rulemaking as an appropriate procedure to expedite promulgation of rules that are noncontroversial and that are not expected to generate significant adverse comment. *See* 60 FR 43108 (August 18, 1995). ACUS recommended that agencies use the direct final rule process when they act under the "unnecessary" prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule because we do not expect any significant adverse comments.

Unless we receive a significant adverse comment within 30 days, the rule will become effective on June 6, 2017. In accordance with ACUS's recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, including an assertion challenging the rule's underlying premise or approach, or a claim that the rule would be ineffective or unacceptable without change.

Should the Commission receive a significant adverse comment, the Commission would withdraw this direct final rule. Depending on the comments and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

### G. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that agencies review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603 and 604. The RFA applies to any rule that is subject to notice and

comment procedures under section 553 of the APA. *Id.* As explained above, the Commission has determined that notice and comment is not necessary for this direct final rule. Thus, the RFA does not apply. We also note the limited nature of this document which updates the incorporation by reference to reflect the mandatory CPSC standard that takes effect under section 104 of the CPSIA.

### H. Paperwork Reduction Act

The toddler beds standard contains information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The revision made no changes to that section of the standard. Thus, these revision will not have any effect on the information collection requirements related to that standard.

### I. Environmental Considerations

The Commission's regulations provide a categorical exclusion for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement because they "have little or no potential for affecting the human environment." 16 CFR 1021.5(c)(2). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

### J. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that where a "consumer product safety standard under [the Consumer Product Safety Act (CPSA)]" is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances.

The Danny Keysar Child Product Safety Notification Act (at section 104(b)(1)(B) of the CPSIA) refers to the rules to be issued under that section as "consumer product safety standards," thus implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 104 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when it becomes effective.

### K. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when

a voluntary standard organization revises a standard upon which a consumer product safety standard issued under the Danny Keysar Child Product Safety Notification Act was based, the revision becomes the CPSC standard within 180 days of notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product, or the Commission sets a later date in the **Federal Register**. The Commission has not set a different effective date. Thus, in accordance with this provision, this rule takes effect 180 days after we received notification from ASTM of revisions to these standards. As discussed in the preceding section, this is a direct final rule. Unless we receive a significant adverse comment within 30 days, the rule will become effective on June 6, 2017.

#### List of Subjects in 16 CFR Part 1217

Consumer protection, Imports, Incorporation by reference, Infants and children, Law enforcement, Safety, Toys.

For the reasons stated above, the Commission amends 16 CFR chapter II as follows:

#### PART 1217—SAFETY STANDARD FOR TODDLER BEDS

■ 1. The authority citation for part 1217 continues to read as follows:

**Authority:** Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (August 14, 2008); Sec. 3, Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

■ 2. Revise § 1217.2 to read as follows:

##### § 1217.2 Requirements for toddler beds.

Each toddler bed shall comply with all applicable provisions of ASTM F1821–16, Standard Consumer Safety Specification for Toddler Beds, approved October 1, 2016. The Director of the Federal Register approves the incorporation by reference listed in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of this ASTM standard from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; <http://www.astm.org/>. You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Dated: February 15, 2017.

**Todd A. Stevenson,**

*Secretary, U.S. Consumer Product Safety Commission.*

[FR Doc. 2017–03332 Filed 2–21–17; 8:45 am]

**BILLING CODE 6355–01–P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

##### 33 CFR Part 117

[Docket No. USCG–2017–0098]

##### Drawbridge Operation Regulation; Willamette River, Portland, OR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the lower deck of the Steel Bridge across the Willamette River, mile 12.1, at Portland, OR. The deviation is necessary to support the Shamrock Run event. This deviation allows the lower span of the Steel Bridge to remain in the closed-to-navigation position to allow for the safe passage of participants in the Shamrock Run event across the bridge.

**DATES:** This deviation is effective from 10:15 a.m. to 11:15 a.m. on March 19, 2017.

**ADDRESSES:** The docket for this deviation, USCG–2017–0098, is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** Union Pacific Railroad Company (UPRR) has requested a temporary deviation from the operating schedule for the Steel Bridge across the Willamette River, at mile 12.1, at Portland, OR. The deviation is necessary to accommodate participants in the Shamrock Run event. The Steel Bridge is a double-deck lift bridge with a lower lift deck and an upper lift deck which operate independent of each other. To facilitate this event, the lower deck will remain in closed-to-navigation position. When the lower is in the closed-to-navigation position, the bridge provides 26 feet of

vertical clearance above Columbia River Datum 0.0. The deviation period is from 10:15 a.m. to 11:15 a.m. on March 19, 2017. The normal operating schedule for the Steel Bridge is in accordance with 33 CFR 117.897(c)(3)(ii).

Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge in the closed-to-navigation position may do so at any time. The bridge will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard has conducted a public outreach for this closure of the lower deck on the Steel Bridge to known mariners that transit on the river. The Coast Guard has not received any objections to this temporary deviation from the operating schedule. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 13, 2017.

**Steven M. Fischer,**

*Bridge Administrator, Thirteenth Coast Guard District.*

[FR Doc. 2017–03406 Filed 2–21–17; 8:45 am]

**BILLING CODE 9110–04–P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 300

[EPA–HQ–SFUND–1989–0008; FRL–9959–52–Region 3]

##### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the North Penn Area 6 Superfund Site

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** On December 23, 2016, the Environmental Protection Agency (EPA) published a Notice of Intent for Partial Deletion (81 FR 94295) and a direct final Notice of Partial Deletion (81 FR 94262) for the North Penn Area 6 Superfund Site located in Lansdale Borough,

Montgomery County, Pennsylvania, from the National Priorities List. The EPA is withdrawing the direct final Notice of Partial Deletion due to adverse comments that were received during the public comment period. After consideration of the comments received, if appropriate, EPA will publish a Notice of Partial Deletion in the **Federal Register** based on the parallel Notice of Intent for Partial Deletion and place a copy of the final partial deletion package, including a Responsiveness Summary, if prepared, in docket EPA–HQ–SFUND–1989–0008, accessed through the <http://www.regulations.gov> Web site and in the Site repositories.

**DATES:** This withdrawal of the direct final rule (81 FR 94262) is effective as of February 22, 2017.

**ADDRESSES:** *Information Repositories:* Comprehensive information on the Site, as well as the comments that we received during the comment period, are available in docket EPA–HQ–SFUND–1989–0008, accessed through the <http://www.regulations.gov> Web site. Although listed in the docket index, some information is not publicly available, *e.g.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at: U.S. EPA Region III, Superfund Records Center, 6th Floor, 1650 Arch Street, Philadelphia, PA 19103–2029; (215) 814–3157, Monday through Friday 8:00 a.m. to 5:00 p.m., and the Lansdale Public Library, 301 Vine Street, Lansdale, PA 19446; (215) 855–3228, Monday through Friday 10:00 a.m. to 9:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Huu Ngo, Remedial Project Manager (3HS21), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103–2029; (215) 814–3187; email: [ngo.huu@epa.gov](mailto:ngo.huu@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: February 10, 2017.

**Cecil Rodrigues,**

*Acting Regional Administrator, Region III.*

■ Accordingly, the amendment to Table 1 of Appendix B to CFR part 300 to add a “P” in the Notes column in the entry “PA”; “North Penn Area 6”; “Lansdale” is withdrawn as of February 22, 2017.

[FR Doc. 2017–03467 Filed 2–21–17; 8:45 am]

**BILLING CODE 6560–50–P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **42 CFR Part 100**

**RIN 0906–AB01**

#### **National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table; Delay of Effective Date**

**AGENCY:** Health Resources and Services Administration (HRSA), HHS.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** On January 19, 2017, the Department of Health and Human Services published in the **Federal Register** a final rule to amend the regulations governing the National Vaccine Injury Compensation Program (VICP or program) by revising the Vaccine Injury Table (Table). That final rule is scheduled to take effect on February 21, 2017. This document announces that the effective date is delayed until March 21, 2017.

**DATES:** This regulation is effective February 17, 2017. The effective date of the final rule amending 42 CFR part 100 published at 82 FR 6294, January 19, 2017, is delayed until March 21, 2017.

**FOR FURTHER INFORMATION CONTACT:** Dr. Narayan Nair, Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, HRSA, 5600 Fishers Lane, Room 8N146B, Rockville, MD 20857, or by telephone (855) 266–2427. This is a toll-free number.

**SUPPLEMENTARY INFORMATION:** The January 20, 2017 memorandum from the Assistant to the President and Chief of Staff, titled “Regulatory Freeze Pending Review,” published in the **Federal Register** on January 24, 2017 (82 FR 8346) instructed federal agencies to delay the effective date of rules published in the **Federal Register**, but which have not yet taken effect, for a period of 60 days from the date of the memorandum. In accordance with that memorandum, this action temporarily delays for 60 days from the date of the memorandum the effective date of the

final rule titled “National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table” published in the **Federal Register** on January 19, 2017 (82 FR 6294). That final rule amends the regulations governing VICP by providing revisions to the Vaccine Injury Table based primarily on the 2012 Institute of Medicine (IOM) report, “Adverse Effects of Vaccines: Evidence and Causality,” the work of nine HHS workgroups who reviewed the IOM findings, and consideration of the Advisory Commission on Childhood Vaccines’ recommendations. The effective date of that rule, which would have been February 21, 2017, is now March 21, 2017.

Dated: February 14, 2017.

**James Macrae,**

*Acting Administrator, Health Resources and Services Administration.*

Approved: February 15, 2017.

**Thomas E. Price,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2017–03416 Filed 2–17–17; 11:15 am]

**BILLING CODE 4160–15–P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[Docket No. 161017970–6999–02]

**RIN 0648–XF212**

#### **Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; quota transfer.

**SUMMARY:** NMFS announces that the State of North Carolina is transferring a portion of its 2017 commercial summer flounder quota to the Commonwealth of Virginia. This quota adjustment is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provision. This announcement informs the public of the revised commercial quotas for North Carolina and Virginia.

**DATES:** Effective February 21, 2017, through December 31, 2017.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Hanson, Fishery Management Specialist, (978) 281–9180.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102, and the initial 2017 allocations were published on December 22, 2016 (81 FR 93842).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i)(A) through (C) in the evaluation of requests for quota transfers or combinations.

North Carolina is transferring 11,030 lb (5,003 kg) of summer flounder commercial quota to Virginia. This transfer was requested by North Carolina to repay landings by a North Carolina-permitted vessel that landed in Virginia under a safe harbor agreement.

The revised summer flounder quotas for calendar year 2017 are now: North Carolina, 1,542,203 lb (699,532 kg); and Virginia, 1,217,402 lb (552,204 kg); based on the initial quotas published in the 2017 Summer Flounder, Scup, and Black Sea Bass Specifications.

**Classification**

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 15, 2017.

**Karen H. Abrams,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-03379 Filed 2-21-17; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 160920861-7168-02]

RIN 0648-XE900

**Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; 2017–2019 Atlantic Deep-Sea Red Crab Specifications**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** We are approving specifications for the 2017 Atlantic deep-sea red crab fishery, including an annual catch limit and total allowable landings limit. We are also projecting quotas for 2018–2019. This action is necessary to establish allowable red crab harvest levels that will prevent overfishing and allow harvesting of optimum yield. This action is intended to establish the allowable 2017 harvest levels, consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan.

**DATES:** The final specifications for the 2017 Atlantic deep-sea red crab fishery are effective March 24, 2017, through February 28, 2018.

**ADDRESSES:** Copies of the specifications document, including the Regulatory Flexibility Act Analysis and other supporting documents for the specifications, are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The specifications document is also accessible via the Internet at: <https://www.greateratlantic.fisheries.noaa.gov/>.

**FOR FURTHER INFORMATION CONTACT:**

Allison Murphy, Fishery Policy Analyst, (978) 281-9122.

**SUPPLEMENTARY INFORMATION:****Background**

The Atlantic deep-sea red crab fishery is managed by the New England Fishery Management Council. The Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP) includes a specification process that requires the Council to recommend, on a triennial basis, an acceptable biological catch (ABC), an annual catch limit (ACL), and total allowable landings (TAL). The Council's Scientific and Statistical Committee (SSC) provides a recommendation to the

Council for these catch limits. The Council makes a recommendation to NMFS that cannot exceed the recommendation of its SSC.

The Council's recommendations must include supporting documentation concerning the environmental, economic, and social impacts of the recommendations. We are responsible for reviewing these recommendations to ensure that they achieve the FMP objectives and are consistent with all applicable laws, and may modify them if they do not. Following this review, we then publish proposed specifications in the **Federal Register** (December 1, 2016; 81 FR 86687). After considering public comment, we publish final specifications in the **Federal Register**.

The FMP was implemented in 2002 and was originally managed under a target total allowable catch (TAC) and days-at-sea (DAS) system that allocated DAS equally across the small fleet of limited access permitted vessels. Amendment 3 to the FMP removed the trip limit restriction, and replaced the target TAC and DAS allocation with a catch limit structure consistent with the ACL and accountability measure requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Amendment 3 (76 FR 60379; September 29, 2011) established status determination criteria, including an overfishing definition, and set the 2011–2013 red crab specifications with an ABC equal to the long-term average landings of the directed red crab fishery (1,775 mt). While the overfishing limit (OFL) could not be determined, the SSC concluded that “an interim ABC based on long-term average landings is safely below an overfishing threshold and adequately accounts for scientific uncertainty.” These specifications were continued for fishing years 2014–2016 (79 FR 24356; April 30, 2014) using the same rationale.

**Approved Specifications**

The biological and management reference points currently in the FMP are used to determine whether overfishing is occurring or if the stock is overfished. However, these reference points for red crab do not currently meet Magnuson-Stevens Act National Standard 1 criteria. As a result, there is insufficient information on the species to establish the maximum sustainable yield (MSY), optimum yield (OY), or OFL. ABC is defined in terms of landings instead of total catch because there is insufficient information to estimate dead discards of red crab.

Recent landings, landings per unit of effort, port samples, discard

information, and economic data suggest there has been no change in the size of the red crab stock since Amendment 3 was implemented in 2011. Table 1 shows status quo specifications for the 2017 fishing year, as well as projected quotas for 2018–2019. By providing projected quotas for 2018–2019, NMFS hopes to assist fishery participants in planning ahead. Again, these specifications are not expected to result in overfishing and adequately account for scientific uncertainty. For more information on the Council's decision making process, please see the proposed rule.

TABLE 1—2017 AND PROJECTED 2018–2019 RED CRAB SPECIFICATIONS

	Mt	Million lb
MSY .....	undetermined	
OFL .....	undetermined	
OY .....	undetermined	
ABC .....	1,775	3.91
ACL .....	1,775	3.91
TAL .....	1,775	3.91

At the end of each fishing year, we evaluate catch information and determine if the quota has been exceeded. If a quota is exceeded, the regulations at 50 CFR 648.262(b) require

a pound-for-pound reduction in a subsequent fishing year, through notification consistent with the Administrative Procedure Act. We will publish a notice in the **Federal Register** of any revisions to these approved specifications if an overage occurs. We expect, based on the performance of the red crab fishery over time that such adjustments would be unlikely. However, we will provide notice of the 2018 and 2019 quotas prior to the start of each respective fishing year.

The 2017 fishing year starts on March 1, 2017. The FMP allows for the previous year's specifications to remain in place until replaced by a subsequent specifications action. As a result, the 2016 specifications, also 1,775 mt, remain in effect until replaced by the specifications included in this final rule.

#### Comments and Responses

The public comment period for the proposed rule ended on January 3, 2017. No comments were received on the proposed rule.

#### Changes From the Proposed Rule

There are no changes from the proposed rule.

#### Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS

Assistant Administrator has determined that this final rule is consistent with the Atlantic Deep-Sea Red Crab FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule is exempt from review under Executive Order 12866.

The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 16, 2017.

**Alan D. Risenhoover,**

*Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 2017-03441 Filed 2-21-17; 8:45 am]

**BILLING CODE 3510-22-P**



# Proposed Rules

Federal Register

Vol. 82, No. 34

Wednesday, February 22, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

**9 CFR Parts 301, 304, 316, 317, 318, 319, 320, 327, 362, 381, 412 and 416**

[Docket No. FSIS–2014–0024]

#### Revision of the Nutrition Facts Labels for Meat and Poultry; Products and Updating Certain Reference Amounts Customarily Consumed

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Proposed rule: Extension of comment period.

**SUMMARY:** Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled “Regulatory Freeze Pending Review,” the Department of Agriculture’s Food Safety and Inspection Service (FSIS) is extending by 30 days the public comment period for this proposed rule, which was published on January 19, 2017.

**DATES:** Comments on the proposed rule published on January 19, 2017 (82 FR 7149) must be received on or before Wednesday, April 19, 2017.

**ADDRESSES:** We invite you to submit comments on this proposed rule by any of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to <http://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

- *Mail, including CD-ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163B, Washington, DC 20250–3700.

- *Hand- or Courier-Delivered Submittals:* Deliver to Patriots Plaza 3,

355 E Street SW., Room 8–163B, Washington, DC 20250–3700.

**Instructions:** All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2014–0024. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

**Docket:** For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Jeff Canavan, Deputy Director, Labeling and Program Delivery Staff, Office of Policy and Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture, Stop Code 3784, Patriots Plaza 3, 8–161A, 1400 Independence Avenue SW., Washington, DC 20250–3700; Telephone (301) 504–0879; Fax (202) 245–4792.

**SUPPLEMENTARY INFORMATION:** Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled “Regulatory Freeze Pending Review,” FSIS is extending by 30 days the public comment period of the proposed rule entitled “Revision of Nutrition Facts Labels for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed” that was published in the **Federal Register** on January 19, 2017, (82 FR 7149).

FSIS is proposing to amend the nutrition labeling requirements for meat (including fish of the order Siluriformes) and poultry products to better reflect the most recent scientific research and dietary recommendations, to improve the presentation of nutrition information to assist consumers in maintaining healthy dietary practices, and for consistency with recent regulatory changes finalized by the Food and Drug Administration.

#### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS

Web page located at: <http://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

#### USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

#### How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf), or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

*Mail:* U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

*Fax:* (202) 690–7442.

*Email:* [program.intake@usda.gov](mailto:program.intake@usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotope, etc.),



should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Dated: February 15, 2017.

**Alfred V. Almanza,**

*Administrator and Acting Deputy Under Secretary, Office of Food Safety.*

[FR Doc. 2017-03390 Filed 2-21-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-9575; Directorate Identifier 2016-NM-168-AD]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier, Inc. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 2014-20-09 for certain Bombardier, Inc. Model DHC-8-400 series airplanes. AD 2014-20-09 currently requires an inspection for missing clamps that are required to provide positive separation between the alternating current (AC) feeder cables and the hydraulic line of the landing gear alternate extension, and related investigative and corrective actions if necessary. Since we issued AD 2014-20-09, it was determined that certain airplane serial numbers are not subject to the identified unsafe condition. This proposed AD would remove airplanes from the AD applicability. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by April 10, 2017.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc.,

Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416-375-4000; fax 416-375-4539; email [thd.qseries@aero.bombardier.com](mailto:thd.qseries@aero.bombardier.com); Internet <http://www.bombardier.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9575; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Assata Dessaline, Aerospace Engineer, Avionics and Services Branch, ANE-172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7301; fax 516-794-5531.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2016-9575; Directorate Identifier 2016-NM-168-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

On September 23, 2014, we issued AD 2014-20-09, Amendment 39-17982 (79 FR 59630, October 3, 2014) ("AD 2014-20-09"), for certain Bombardier, Inc. Model DHC-8-400 series airplanes. AD

2014-20-09 was prompted by reports of missing clamps that are required to provide positive separation between the AC feeder cables and the hydraulic line of the landing gear alternate extension. AD 2014-20-09 requires an inspection for missing clamps that are required to provide positive separation between the AC feeder cables and the hydraulic line of the landing gear alternate extension, and related investigative and corrective actions if necessary. We issued AD 2014-20-09 to detect and correct chafing of the AC feeder cable. A chafed and arcing AC feeder cable could puncture the adjacent hydraulic line, which, in combination with the use of the alternate extension system, could result in an in-flight fire.

Since we issued AD 2014-20-09, it was determined that certain airplane serial numbers are in a Pre-modification MS 4M153025 configuration, which allows sufficient space between the AC feeder cables and the landing gear alternate extension hydraulic line do not pose an in-flight fire risk. Therefore, these airplanes are not subject to the identified unsafe condition.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2013-16R1, effective July 26, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Bombardier, Inc. Model DHC-8-400 series airplanes. The MCAI states:

During production checks, it was found that the appropriate clamps required to provide positive separation between the AC feeder cables and the hydraulic line of the landing gear alternate extension were omitted. The AC feeder cable could sag and be in direct contact with the swage fitting of the landing gear alternate extension hydraulic line, resulting in chafing of the AC feeder cable. The chafed and arcing AC feeder cable could puncture the adjacent hydraulic line. In combination with the use of the alternate extension system, this could result in an in-flight fire.

The original issue of this [Canadian] AD was issued to mandate the incorporation of [Bombardier] service bulletin (SB) 84-24-53 to \* \* \* [do a general visual inspection for the presence of correctly installed clamps] and rectify, as necessary, for proper clamp installation.

Bombardier, Inc. has revised SB 84-24-53 to remove serial numbers 4001 through 4034 from the Effectivity section, as it was determined that these serial numbers are Pre-Mod MS 4M153025, which allowed sufficient space between the AC feeder cables and the landing gear alternate extension hydraulic line to not pose an in-flight fire risk. Accordingly, revision 1 of this [Canadian] AD is issued to revise the

Applicability section to reflect the Effectivity changes in [Bombardier Service Bulletin] SB 84–24–53 Revision B, dated 10 September 2015.

The related investigative action is a general visual inspection of the AC power feeder cables and the hydraulic line for damage due to chafing. The corrective actions include repair of chafed parts and replacement of missing clamps. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9575.

#### **Related Service Information Under 14 CFR Part 51**

We reviewed Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015. The service information describes procedures for a general visual inspection for installation of clamps between the AC feeder cables and hydraulic line, and related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

#### **FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### **Costs of Compliance**

We estimate that this proposed AD affects 52 airplanes of U.S. registry.

The actions required by AD 2014–20–09, and retained in this proposed AD, take about 2 work-hours per product, at an average labor rate of \$85 per work-hour. Required parts cost about \$170 per product. Based on these figures, the estimated cost of the actions that are required by AD 2014–20–09 is \$17,680 per product.

This proposed AD merely removes certain airplanes and, therefore, adds no new actions or economic burden.

#### **Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I,

section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### **Regulatory Findings**

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### **The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

#### **PART 39—AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### **§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–20–09, Amendment 39–17982 (79

FR 59630, October 3, 2014), and adding the following new AD:

**Bombardier, Inc.:** Docket No. FAA–2016–9575; Directorate Identifier 2016–NM–168–AD.

#### **(a) Comments Due Date**

We must receive comments by April 10, 2017.

#### **(b) Affected ADs**

This AD replaces AD 2014–20–09, Amendment 39–17982 (79 FR 59630, October 3, 2014) ("AD 2014–20–09").

#### **(c) Applicability**

This AD applies to Bombardier, Inc. Model DHC–400, –401, and –402 airplanes, certificated in any category, serial numbers 4035 through 4347 inclusive.

#### **(d) Subject**

Air Transport Association (ATA) of America Code 24, Electrical power.

#### **(e) Reason**

This AD was prompted by reports of missing clamps that are required to provide positive separation between the alternating current (AC) feeder cables and the hydraulic line of the landing gear alternate extension. We are issuing this AD to detect and correct chafing of the AC feeder cable. A chafed and arcing AC feeder cable could puncture the adjacent hydraulic line, which, in combination with the use of the alternate extension system, could result in an in-flight fire.

#### **(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

#### **(g) Retained Clamp Inspection, Related Investigative Actions, and Corrective Actions, With Revised Service Information Having Reduced Effectivity**

This paragraph restates the requirements of paragraph (g) of AD 2014–20–09, with revised service information having reduced Effectivity. Within 6,000 flight hours or 36 months after November 7, 2014 (the effective date of AD 2014–20–09), whichever occurs earlier: Do a general visual inspection for correctly installed clamps between the AC feeder cables and hydraulic line, and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015. Do all applicable related investigative and corrective actions before further flight. After the effective date of this AD, only Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015, may be used.

#### **(h) Credit for Previous Actions**

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before November 7, 2014 (the effective date of AD 2014–20–09), using Bombardier Service Bulletin 84–24–53, dated May 11, 2012; or Bombardier Service Bulletin 84–24–53, Revision A, dated May 16, 2013.

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer*: As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE-170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**(j) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF-2013-16R1, effective July 26, 2016, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9575.

(2) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416-375-4000; fax 416-375-4539; email [thd.qseries@aero.bombardier.com](mailto:thd.qseries@aero.bombardier.com); Internet <http://www.bombardier.com>. You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on February 3, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 2017-03262 Filed 2-21-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2016-9553; Directorate Identifier 2016-NE-29-AD]

RIN 2120-AA64

**Airworthiness Directives; Rolls-Royce Corporation Turbofan Engines**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Rolls-Royce Corporation (RRC) AE 3007C and 3007C1 model turbofan engines. This proposed AD was prompted by analysis and by cracks found in the high-pressure turbine (HPT) wheel during an inspection. This proposed AD would require replacement of the affected HPT wheels at new, lower life limits. We are proposing this AD to correct the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by April 10, 2017.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Rolls-Royce Corporation, 450 South Meridian Street, Mail Code NB-01-06, Indianapolis, IN 46225; phone: 317-230-3774; email: [indy.pubs.services@rolls-royce.com](mailto:indy.pubs.services@rolls-royce.com); Internet: [www.rolls-royce.com](http://www.rolls-royce.com). You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-

9553; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Kyri Zaroyiannis, Aerospace Engineer, Chicago Aircraft Certification Office, Small Airplane Directorate, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847-294-7836; fax: 847-294-7834; email: [kyri.zaroyiannis@faa.gov](mailto:kyri.zaroyiannis@faa.gov).

**SUPPLEMENTARY INFORMATION:****Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2016-9553; Directorate Identifier 2016-NE-29-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

**Discussion**

We learned from RRC that cracks were found in the HPT wheel during an inspection. Investigation determined that, for certain part number (P/N) HPT wheels, incomplete shot peening in the internal shaft fillet resulted in reduced fatigue life. For other affected P/N HPT wheels, the polishing wheel used in the manufacturing process created an unfavorable surface finish, known as "Black Wheel Polish," that could lead to crack initiation. We are, therefore, lowering the life limits for these affected HPT wheels. These conditions, if not corrected, could result in uncontained failure of the HPT wheels, damage to the engine, and damage to the airplane.

**Related Service Information Under 14 CFR Part 51**

We reviewed RRC Alert Service Bulletin (ASB) AE 3007C-A-72-318, Revision 2, dated September 23, 2016.

The ASB provides updated life limits for the affected HPT wheels. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### FAA's Determination

We are proposing this AD because we evaluated all the relevant information

and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

#### Proposed AD Requirements

This proposed AD would require replacement of the affected HPT wheels at new, lower life limits.

#### Costs of Compliance

We estimate that this proposed AD affects 307 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of HPT wheel (P/N 23062373, 23065891, or 23070664) at reduced life.	0 work-hours × \$85 per hour = \$0 .....	\$39,171 (pro-rated cost of part).	\$39,171	\$3,838,758
Replacement of HPT wheel (P/N 23063462, 23065892, 23069116, 23069592, or 23074643) at reduced life.	0 work-hours × \$85 per hour = \$0 .....	21,911 (pro-rated cost of part).	21,911	4,579,399

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Roll-Royce Corporation (Type Certificate previously held by Allison Engine Company):** Docket No. FAA-2016-9553; Directorate Identifier 2016-NE-29-AD.

##### (a) Comments Due Date

We must receive comments by April 10, 2017.

##### (b) Affected ADs

None.

##### (c) Applicability

(1) This AD applies to Rolls-Royce Corporation (RRC) AE 3007C and 3007C1 turbofan engines with 1st stage high-pressure

turbine (HPT) wheels, part number (P/N) 23062373, 23065891, or 23070664; or with 2nd stage HPT wheels, P/N 23063462, 23065892, 23069116, 23069592 (except those serial numbers (S/Ns) noted in paragraph (c)(2) of this AD), or 23074643, installed.

(2) This AD does not apply to RRC AE 3007C and 3007C1 turbofan engines with 2nd stage HPT wheels, P/N 23069592, with S/Ns listed in Table 6 of RRC Alert Service Bulletin (ASB) AE 3007C-A-72-318, Revision 2, dated September 23, 2016, installed.

##### (d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine/turboprop Engine, Turbine Section.

##### (e) Unsafe Condition

This AD was prompted by analysis and by cracks found in the HPT wheel during an inspection. We are issuing this AD to prevent uncontained failure of the HPT wheels, damage to the engine, and damage to the airplane.

##### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(1) For all RRC AE 3007C or C1 engines with an installed 1st stage HPT wheel, P/N 23062373, 23065891, or 23070664, or 2nd stage HPT wheel, P/N 23063462, 23065892, 23069116, 23069592 (except those S/Ns excluded by paragraph (c)(2) of this AD) or 23074643, after the effective date of this AD, remove the affected wheels before exceeding the new life limits identified in paragraph C., Table 1 of RRC ASB AE 3007C-A-72-318, Revision 2, dated September 23, 2016.

(2) After the effective date of this AD, do not return to service any engine with an HPT turbine wheel, with an affected P/N and an S/N, with a wheel life that exceeds the new life limits identified in paragraph C., Table 1 of RRC ASB AE 3007C-A-72-318, Revision 2, dated September 23, 2016.

**(g) Alternative Methods of Compliance (AMOCs)**

The Manager, Chicago Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

**(h) Related Information**

(1) For more information about this AD, contact Kyri Zaroyiannis, Aerospace Engineer, Chicago Aircraft Certification Office, Small Airplane Directorate, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847-294-7836; fax: 847-294-7834; email: [kyri.zaroyiannis@faa.gov](mailto:kyri.zaroyiannis@faa.gov).

(2) For RRC service information identified in this AD, contact Rolls-Royce Corporation, 450 South Meridian Street, Mail Code NB-01-06, Indianapolis, IN 46225; phone: 317-230-3774; email: [indy.pubs.services@rolls-royce.com](mailto:indy.pubs.services@rolls-royce.com); Internet: [www.rolls-royce.com](http://www.rolls-royce.com).

(3) You may view this service information at FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7125.

Issued in Burlington, Massachusetts, on January 27, 2017.

**Colleen M. D'Alessandro,**

*Manager, Engine & Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2017-03283 Filed 2-21-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 110**

**[Docket Number USCG-2015-0729]**

**RIN 1625-AA01**

**Port of Miami Anchorage Area; Atlantic Ocean, Miami Beach, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend the Miami Anchorage. The Miami Anchorage would be divided into two separate anchorage areas. This action is necessary to reduce potential damage to threatened coral posed by anchoring vessels. We invite your comments on this supplemental proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before March 24, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG-2015-0729 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the

**SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email MST2

Benjamin R. Colbert, Sector Miami Waterways Management Division, U.S. Coast Guard; telephone 305-535-4317, email [Benjamin.R.Colbert@uscg.mil](mailto:Benjamin.R.Colbert@uscg.mil).

**SUPPLEMENTARY INFORMATION:****I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
SNPRM Supplemental notice of proposed rule making  
§ Section  
U.S.C. United States Code

**II. Background, Purpose, and Legal Basis**

On December 1, 2015, the Coast Guard published a notice of study (80 FR 75020) that indicated we were evaluating amending the Miami Anchorage to divide the anchorage into two smaller anchorage areas. The proposed amendment was designed in coordination with a variety of local stakeholders, including the South East Florida Coral Reef Initiative (SEFCRI). Comments provided by these stakeholders, academic research, and environmental reports raised concerns with the Coast Guard about the potential for damage to the Florida Reef in the Miami Anchorage. Examples of the body of work that influenced the Coast Guard in proposing the amendment may be found in the docket.

In response to the notice of study, the Coast Guard received four comments. These comments were addressed in an NPRM published on May 10, 2016 (81 FR 28788). In response to the NPRM, we received four additional comments. Two of the comments, one by the local non-profit Miami Waterkeeper and the other by a private citizen, supported our planned modification of the Miami Anchorage. The third and fourth comments were submitted by the Biscayne Bay Pilots Association.

The Biscayne Bay Pilots Association (pilots) submitted a comment, through the Port of Miami, on May 17, 2016. This comment requested the Coast Guard to evaluate changes in the proposed anchorage, including shifting the outer anchorage west and shifting the southern boundary of the outer anchorage north. In response to these comments, the Coast Guard met with the Pilots to discuss the requests and the basis at which the Coast Guard arrived

at the proposed anchorage configuration. During the meeting, the Coast Guard agreed that shifting the western boundary of the outer anchorage approximately 300 feet to the west would provide more room for large anchoring vessels. This change would not have any effect on coral or hardbottom as the sea floor in that area is sand.

On June 11, 2016, the Pilots submitted a follow up comment to the public docket expressing concern that the outer anchorage would expose vessels to increased current and waves and, they claim, could increase the chance a vessel would drag anchor. To properly assess environmental conditions and risk of an anchor drag, the Coast Guard consulted with the National Weather Service and Maersk Training Center. The National Weather Service conducted a study, analyzing the previous year's current in the vicinity of the anchorage. The Weather Service found that the average current in the area of the outer anchorage over the previous year was approximately 1.2 knots with current ranging plus or minus half a knot from the mean current 70 percent of the time. This information was provided to the Maersk Training Center in Svendborg, Denmark. Subject matter experts at the Training Center indicated that the conditions posed no significant hazard and that Masters would have the training and experience to set an anchor in the deeper waters of the outer anchorage.

In addition to consulting with experts, the Coast Guard has made minor changes to the proposed anchorage regulations that would further ensure the safety of all vessels anchoring in the outer anchorage. Vessels using the Miami Anchorage would be prohibited from anchoring with engines off or in a "dead ship" status and would be required to maintain a bridge watch with an English speaking deck officer. Finally, the Coast Guard will submit amendments to the local Coast Pilot to provide improved guidance to vessels planning to anchor in the outer anchorage.

In addition to the discussions with the Biscayne Bay Pilots Association and SEFCRI discussed above, the Coast Guard consulted with a number of other stakeholders and subject matter experts in the development of this Supplemental Notice of Proposed Rulemaking (SNPRM). Several biologists from the University of Miami and Nova Southeastern University supported the proposed changes to the Miami Anchorage. The Florida State Historical Preservation Officer determined that there were no known cultural resources

that would be impacted by the proposed changes and opined that the proposed changes to the anchorage would have no effect on historic properties listed, or eligible for listing, on the National Register for Historic Places. The Habitat Conservation Division of the National Marine Fisheries Service supports relocating the anchorage as a means to reduce the continued degradation of coral reef and hardbottom in this area from anchoring activities. The Florida Department of Environmental Protection strongly supports this rulemaking and

relocating the anchorage as a means to reduce the continued degradation of coral reef and hardbottom in this area from anchoring activities.

The Coast Guard is committed to continued outreach, consultation, and communication in order to ensure effective rulemaking and invites your comments to the proposed rule in this SNPRM. All comments referenced above, having been received directly and not submitted to the [www.regulations.gov](http://www.regulations.gov) portal, will be added to the docket for public review.

#### SMALL INNER WESTERN ANCHORAGE

[Approximate water depths: 45 ft]

	Latitude	Longitude
NW Corner .....	25°47'57.687" N .....	080°05'37.225" W.
NE Corner .....	25°47'57.341" N .....	080°05'26.466" W.
SE Corner .....	25°46'31.443" N .....	080°05'27.069" W.
SW Corner .....	25°46'31.557" N .....	080°05'37.868" W.

#### LARGE OUTER EASTERN ANCHORAGE

[Approximate water depths: 120 ft]

	Latitude	Longitude
NW Corner .....	25°48'13.841" N .....	080°04'59.155" W.
NE Corner .....	25°48'04.617" N .....	080°04'04.582" W.
SE Corner .....	25°46'32.712" N .....	080°04'28.387" W.
SW Corner .....	25°46'43.770" N .....	080°05'02.360" W.

Additionally, in response to comments received from the Biscayne Bay Pilots Association and others, the Coast Guard has proposed minor changes to the anchorage regulations. Vessels anchored in the Miami Anchorage will be prohibited from anchoring with engines off or in a "dead ship" status and vessels will be required to seek permission of the Captain of the Port Miami prior to anchoring for longer than 72 hours. In addition to the above changes, we have reordered and reworded the proposed anchoring regulations.

#### IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs

and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This SNPRM has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, the SNPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the relatively minor changes being proposed to the regulation. The regulation would ensure 1.5 square miles of anchorage areas continue to exist, vessels will be prohibited from anchoring with engines off or in a "dead ship" status, and vessels will be required to seek permission of the Captain of the Port Miami prior to anchoring for longer than 72 hours.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C.

#### III. Discussion of Proposed Rule

In this SNPRM, the Coast Guard proposes to amend the Miami Anchorage by dividing the anchorage into two smaller anchorage areas. The amended coordinates would establish two anchorages with a combined area of approximately 1.5 square miles and reduce the total anchorage area by approximately 3 square miles. The amended anchorage areas would be established with the following coordinates:

605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to use the anchorage may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that

question or complain about this proposed rule or any policy or action of the Coast Guard.

### C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this

action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves reducing an anchorage. Normally such actions are categorically excluded from further review under paragraph 34(f) of Figure 2–1 of Commandant Instruction M16475.ID. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this SNPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

### List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

### PART 110—ANCHORAGES

■ 1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 110.188 to read as follows:

### § 110.188 Atlantic Ocean off Miami and Miami Beach, Fla.

(a) *The anchorage grounds.* (1) *Anchorage A.* All area of the Atlantic Ocean, encompassed by a line connecting the points of the following North America Datum 83 coordinates:

Latitude	Longitude
25°47'57.687" N.	080°05'37.225" W.
25°47'57.341" N.	080°05'26.466" W.
25°46'31.443" N.	080°05'27.069" W.
25°46'31.557" N.	080°05'37.868" W.

(2) *Anchorage B.* All area of the Atlantic Ocean, encompassed by a line connecting the points of the following North America Datum 83 coordinates:

Latitude	Longitude
25° 48' 13.841" N.	080° 04' 59.155" W.
25° 48' 04.617" N.	080° 04' 04.582" W.
25° 46' 32.712" N.	080° 04' 28.387" W.
25° 46' 43.770" N.	080° 05' 02.360" W.

(b) *The regulations.* (1) Vessels in the Atlantic Ocean in the vicinity of Port of Miami entrance channel must anchor only within the anchorage area hereby defined and established, except in cases of emergency.

(2) Prior to entering the anchorage area, all vessels must notify the Coast Guard Captain of the Port, via the Biscayne Bay Pilots, on VHF–FM channel 12 or 16.

(3) All vessels within the designated anchorage must maintain a 24-hour bridge watch by a licensed or credentialed deck officer proficient in English, monitoring VHF–FM channel 16. This individual must confirm that the ship's crew performs frequent checks on the vessel's position to ensure the vessel is not dragging anchor.

(4) Vessels may anchor anywhere within the designated anchorage area provided that: Such anchoring does not interfere with the operations of any other vessels currently at anchorage; and all anchor and chain or cable is positioned in such a manner to preclude dragging over reefs.

(5) No vessel may anchor in a “dead ship” status (that is, propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port. Vessels experiencing casualties such as main propulsion, main steering or anchoring equipment malfunction or which are planning to perform main propulsion engine repairs or maintenance, must,



immediately notify the Coast Guard Captain of the Port via Coast Guard Sector Miami on VHF-FM channel 16.

(6) No vessel may anchor within the designated anchorage for more than 72 hours without the prior approval of the Captain of the Port. To obtain this approval, contact the Coast Guard Captain of the Port via the Biscayne Bay Pilots, on VHF-FM channel 12 or 16.

(7) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety or security.

(8) Commercial vessels anchoring under emergency circumstances outside the anchorage area must shift to new positions within the anchorage area immediately after the emergency ceases.

(9) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, U.S. Coast Guard, Miami, Florida, may direct relocation of any vessel anchored within the anchorage area. Once directed, such vessel must get underway at once or signal for a tug, and must change position as directed.

Dated: February 15, 2017.

**S.A. Buschman,**  
Rear Admiral, U.S. Coast Guard, Commander,  
Seventh Coast Guard District.

[FR Doc. 2017-03405 Filed 2-21-17; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2016-1048]

RIN 1625-AA00

### Safety Zone; Kosciuszko Bridge Construction, Newtown Creek, Brooklyn and Queens, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish two safety zones on the navigable waters of Newtown Creek, NY. The first safety zone is within 500 feet of the two barges and assist vessels to be used for the removal and loading of the existing center span from the Kosciuszko Bridge at mile 2.1. The second is from approximately 370 yards south (upstream) of the Kosciuszko Bridge at mile 2.1 and Newtown Creek's confluence with the East River at mile 0.0 during transport of the existing center span to an offsite location. This

action is necessary to provide for the safety of life on these navigable waters during the lowering and securing of the existing bridge's center span onto two barges within the Federal navigation channel and during the barge's outbound transit through Newtown Creek to the East River tentatively scheduled during April-May, 2017. This proposed rulemaking would prohibit persons and vessels from being in the safety zones unless authorized by the Captain of the Port New York or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before March 24, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG-2016-1048 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Mr. Jeff Yunker, Sector New York Waterways Management Division; telephone 718-354-4195, email [jeff.m.yunker@uscg.mil](mailto:jeff.m.yunker@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

COTP Captain of the Port New York  
CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
NYSDOT New York State Department of Transportation  
§ Section  
U.S.C. United States Code

##### II. Background, Purpose, and Legal Basis

The Coast Guard issued a Bridge Permit dated August 21, 2013 approving the location and construction of the Kosciuszko Bridge across Newtown Creek, mile 2.1, between the Boroughs of Queens and Brooklyn, NY. The bridge carries Interstate 278, also known as the Brooklyn-Queens Expressway over Newtown Creek. On May 23, 2014 the New York State Department of Transportation awarded a \$554 million dollar contract to design and build the replacement bridge. On December 4, 2014 construction began on the eastbound replacement bridge. All vehicle traffic is expected to be shifted onto this new bridge in the spring of

2017. Once traffic has been shifted to the new bridge the existing bridge will be demolished and replaced with a new bridge carrying Interstate 278 westbound traffic over Newtown Creek.

On November 29, 2016, NYSDOT notified the Coast Guard that it will be lowering the existing center span from the Kosciuszko Bridge over Newtown Creek at mile 2.1 onto two barges within the Newtown Creek Federal navigation channel, securing the center span to the barges for transit, rotating the barges, and towing the barges through Newtown Creek to the East River for final upland disposal. The center span is 259 feet long, 88 feet 8 inches wide, 46 feet high, and weighs 2,400 tons. This operation is dependent on the ongoing construction of the new eastbound span of the new Kosciuszko Bridge being built adjacent to, and south (upstream) of, the existing bridge and tides during daylight hours. NYSDOT has identified April 1-24, May 1-23, and May 30-31, 2017 as being conducive to this operation. The Coast Guard proposes to make this rule enforceable through December 31, 2017 as a contingency for any unforeseen delays to the bridge construction schedule. The loading and securing of the bridge span to the two barges is expected to take a minimum of 24-hours and the towing time to the East River is expected to be one hour. The entire process is expected to last at least 48 hours. Hazards from this operation include accidental falling debris. The two barges will block at least 109 feet of the 130 foot wide Newtown Creek Federal navigation channel during loading, securing, and towing operations. The COTP has determined that potential hazards associated with these operations would be a safety concern for anyone within a 500-foot radius of the tugs and barges.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 500-foot radius of the two barges and assist vessels when loading, securing, and transporting the center span of the Kosciuszko Bridge through Newtown Creek before, during, and after the operations. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

##### III. Discussion of Proposed Rule

The COTP proposes to establish two safety zones for approximately 48 hours between April 1 and May 31, 2017. The safety zone would cover all navigable waters of Newtown Creek within 500 feet of the two barges and assist vessels to be used for the removal and loading of the existing center span from the Kosciuszko Bridge at mile 2.1 and



within 500 feet of two barges and their assist vessels in Newtown Creek from approximately 370 yards south (upstream) of the existing Kosciuszko Bridge at mile 2.1 and Newtown Creek's confluence with the East River during transport of the existing center span to an offsite location. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the loading, securing, rotating the two barges for transit, and transporting the center span of the Kosciuszko Bridge through Newtown Creek. No vessel or person would be permitted to enter the safety zones without obtaining permission from the COTP or a designated representative.

The regulatory text we are proposing appears at the end of this document.

#### IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders and we discuss First Amendment rights of protestors.

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zones. Vessel traffic would not be able to transit around these safety zones as the two barges carrying the Kosciuszko Bridge center span would block a minimum of 109 feet of the 130 foot wide Federal navigation channel for approximately 48 hours during the loading, and securing of the center span on to the barges, and then rotating the barges in preparation for towing through Newtown Creek. During the approximate one-hour transit time from the bridge site to the East River vessels would not be able to meet or overtake the two barges with three assist tugs as the combined width of these vessels would be 109 feet and the Federal navigation channel is only 130 feet

wide. However, the New York City Department of Environmental Protection, U.S. Concrete, Bayside Fuel Oil Depot, and the U.S. Environmental Protection Agency all reported the requested 48-hour channel closure would not negatively impact their operations south (upstream) of the bridge. U.S. Concrete stated they require at least two weeks' notice if the closure is anticipated to last longer than 48 hours. Facilities downstream of the bridge would not be required to move vessels moored at their facility as long as they do not extend into the Federal navigation channel and would be able to depart the facility before, or after, the two barges carrying the bridge span are towed past the facility. Moreover, the Coast Guard would issue a Local Notice to Mariners and a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zones may be small entities, for the reasons stated in section IV A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that

question or complain about this proposed rule or any policy or action of the Coast Guard.

##### C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

##### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

##### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

##### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this

action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a stationary safety zone lasting approximately 48 hours and a moving safety zone lasting approximately one hour that would prohibit transit within 500 feet of the two barges and assist vessels carrying the bridge span. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.1D. A preliminary environmental analysis checklist is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all

public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T01–1048 to read as follows:

#### § 165.T01–1048 Safety Zone; Kosciuszko Bridge Construction, Newtown Creek, Brooklyn and Queens, NY.

(a) *Location.* (1) The following area is a safety zone: All waters from surface to bottom of Newtown Creek within 500 feet of the two barges and assist vessels while lowering and securing the existing Kosciuszko Bridge center span at mile 2.1 to the two barges. This area is bound by the following approximate positions: northwest of a line drawn from 40°43'34.9" N., 073°55'42.0" W. to 40°43'36.8" N., 073°55'39.8" W. (approximately 500 feet south (upstream) of the Kosciuszko Bridge at mile 2.1), and southeast of a line drawn from 40°43'40.6" N., 073°55'52.8" W. to 40°43'43.1" N., 073°55'49.9" W. (approximately 500 feet downstream of the Kosciuszko Bridge at mile 2.1) (NAD 83).

(2) The following area is a moving safety zone: All waters from surface to bottom of Newtown Creek within 500 feet of the two barges and assist vessels while transiting Newtown Creek between Latitude 40°43'30.0" N. (approximately 370 yards south (upstream) of the Kosciuszko Bridge at mile 2.1), and east of a line drawn from the following approximate positions: 40°44'17.1" N., 073°57'45.6" W. to 40°44'10.4" N., 073°57'45.6" W. (at the confluence with the East River) (NAD 83).

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated representative.* A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the COTP to act on his or her behalf. A designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(c) *Enforcement periods.* (1) This section is effective from April 1 to December 31, 2017 but will only be enforced when active center span lowering, securing, and towing operations are in progress.

(2) The Coast Guard will rely on marine broadcasts and local notice to mariners to notify the public of the time and duration that the safety zone will be enforced. Violations of this safety zone may be reported to the COTP at 718–354–4353 or on VHF–Channel 16.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23, as well as the following regulations, apply.

(2) During periods of enforcement, all persons and vessels must comply with all orders and directions from the COTP or a COTP's designated representative.

(3) During periods of enforcement, upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of the vessel must proceed as directed.

Dated: January 18, 2017.

**Michael H. Day,**  
Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2017–03439 Filed 2–21–17; 8:45 am]

**BILLING CODE 9110–04–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 63

[EPA–HQ–OAR–2016–0490; FRL–9959–53–OAR]

RIN 2060–AS85

#### National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On December 27, 2016, the Environmental Protection Agency (EPA) proposed a rule titled, “National Emission Standards for Hazardous Air Pollutants (NESHAP): Publicly Owned Treatment Works (POTW).” The EPA is extending the comment period on the proposed rule that was scheduled to close on February 27, 2017, by 30 days until March 29, 2017. The EPA is making this change based on one request for additional time to prepare comments on this proposed rule.

**DATES:** The public comment period for the proposed rule published in the **Federal Register** on December 27, 2016 (81 FR 95352), is being extended. Written comments must be received on or before March 29, 2017.

**ADDRESSES:** The EPA has established a docket for the proposed rulemaking (available at <http://www.regulations.gov>). The Docket ID No. is EPA-HQ-OAR-2016-0490. Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2016-0490, to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment, please visit <http://www.epa.gov/dockets/comments.html> for instructions. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the

official comment and should include discussion of all points you wish to make.

For additional submission methods, the full EPA public comment policy, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/comments.html>.

**FOR FURTHER INFORMATION CONTACT:** For additional information on this action, contact Karen Marsh, Sector Policies and Programs Division, Office of Air Quality Planning and Standards (E143-05), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541-1065; email address: [marsh.karen@epa.gov](mailto:marsh.karen@epa.gov).

**SUPPLEMENTARY INFORMATION:** To allow additional time for stakeholders to provide comments, the EPA has decided to extend the public comment period until March 29, 2017.

Dated: February 13, 2017.

**Stephen Page,**

*Director, Office of Air Quality Planning and Standards.*

[FR Doc. 2017-03431 Filed 2-21-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

**[EPA-HQ-SFUND-1989-0008; FRL-9959-34-Region 3]**

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the North Penn Area 6 Superfund Site

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; correction.

**SUMMARY:** The Environmental Protection Agency (EPA) Region III published in the **Federal Register** of December 23, 2016, a Notice of Intent for Partial Deletion of the North Penn Area 6 Superfund Site from the National Priorities List. The notice referenced the incorrect Docket ID Number. This notice provides the correct Docket ID Number.

**DATES:** February 22, 2017.

**FOR FURTHER INFORMATION CONTACT:** Huu Ngo, Remedial Project Manager (3HS21), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029; (215) 814-3187; email: [ngo.huu@epa.gov](mailto:ngo.huu@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of December 23, 2016, (81 FR 94295) in [FRL 9957-30-Region 3], in the heading and in the **ADDRESSES** section, correct the Docket ID Number to read: EPA-HQ-SFUND-1989-0008.

Dated: January 20, 2017.

**Cecil Rodrigues,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2017-03464 Filed 2-21-17; 8:45 am]

**BILLING CODE 6560-50-P**

# Notices

Federal Register

Vol. 82, No. 34

Wednesday, February 22, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

February 15, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are required regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 24, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs

potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### Farm Service Agency

*Title:* Organic Certification Cost Share Program (OCCSP).

*OMB Control Number:* 0560—NEW.

*Summary of Collection:* Organic Certification Cost Share Program (OCCSP) provides cost share assistance to producers and handlers of agricultural product who are obtaining or renewing their certification in the National Organic Program (NOP). The information collection requirements in the request are needed to implement a part of the Agriculture Act of 2014 and the Federal Crop Insurance Act which authorizes funds for two organic certification cost-share programs, the National Organic Certification Cost-Share Program (NOCCSP) and the Agricultural Management Assistance (AMA).

*Need and Use of the Information:* The Farm Service Agency (FSA) provides cost-share assistance, through FSA county offices and participating state agencies, to organic producers or handlers. The information collected is needed to ensure that organic producers or handlers and State agencies are eligible for funding and comply with applicable program regulations. Without this collection of information, FSA would not be able to provide cost-share assistance to eligible producer or handler and state agencies.

*Description of Respondents:* Farms: State, Local and Tribal Government.

*Number of Respondents:* 12,056.

*Frequency of Responses:* Reporting: Semi-annually; Annually.

*Total Burden Hours:* 57,560.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2017–03380 Filed 2–21–17; 8:45 am]

**BILLING CODE 3410–05–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

February 15, 2017.

The Department of Agriculture has submitted the following information

collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 24, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### Food and Nutrition Service

*Title:* WIC Food Package Costs and Cost Containment Study.

*OMB Control Number:* 0584—NEW.

*Summary of Collection:* The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides supplemental foods to safeguard the health of low-income pregnant and post-partum women, infants, and children up to 5 years of age who are at nutritional risk. In an effort to ensure the best use of available funds and to provide for participation by eligible individuals, WIC State agencies (SA) are responsible for

implementing food package and other cost containment measures. This study will gather information on the cost-containment practices.

**Need and Use of the Information:** The purpose of this study is to gather information on the major types of cost containment practices used by the 90 WIC SAs, assess the effectiveness of various practices, and identify those practices that effectively constrain the cost of WIC foods with few or no adverse effects on program outcomes. To fulfill this purpose, primary and administrative data will be collected from WIC SA directors, WIC SA staff, WIC participants, and former WIC participants. FNS will use the findings from this study to share with WIC SAs food item cost containment practices that are effective at reducing WIC food costs, as recommended by the OIG.

**Description of Respondents:** Individuals or households, and State, Local, or Tribal Government.

**Number of Respondents:** 6,565.

**Frequency of Responses:** Reporting: On occasion.

**Total Burden Hours:** 2,356.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2017-03382 Filed 2-21-17; 8:45 am]

**BILLING CODE 3410-30-P**

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS-2017-0004]

#### **Codex Alimentarius Commission: Meeting of the Codex Committee on Contaminants in Food**

**AGENCY:** Office of Food Safety, USDA.

**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** The Office of Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services, are sponsoring a public meeting on March 2, 2017. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions that will be discussed at the 11th Session of the Codex Committee on Contaminants in Food (CCCF) of the Codex Alimentarius Commission (Codex), taking place in Rio de Janeiro, Brazil April 3-7, 2017. The Office of Food Safety and the FDA recognize the importance of providing interested parties the opportunity to obtain background information on the

11th Session of the CCCF and to address items on the agenda.

**DATES:** The public meeting is scheduled for Thursday, March 2, 2017, from 1:00 p.m.-4:00 p.m.

**ADDRESSES:** The public meeting will take place at the Food and Drug Administration (FDA), Harvey W. Wiley Federal Building, Room 1A-001, Center for Food Safety and Applied Nutrition, 5001 Campus Drive, College Park, MD 20740.

Documents related to the 11th Session of the CCCF will be accessible via the Internet at the following address: <http://www.codexalimentarius.org/meetings-reports/en/>.

Dr. Lauren Posnick Robin, U.S. Delegate to the 11th Session of the CCCF, invites interested U.S. parties to submit their comments electronically to the following email address: [henry.kim@fda.hhs.gov](mailto:henry.kim@fda.hhs.gov).

#### **SUPPLEMENTARY INFORMATION:**

**Registration:** Attendees may register electronically at the same email address provided above by February 24, 2017. The meeting will be held in a Federal building. Early registration is encouraged as it will expedite entry into the building and its parking area. Attendees should bring photo identification and plan for adequate time to pass through security screening systems. If you require parking, please include the vehicle make and tag number when you register. Person who are not able to attend the meeting in person, but wish to participate, may do so by phone.

**Call-In-Number:** If you wish to participate in the public meeting for the 11th Session of the CCCF by conference call, please use the call-in-number and the participant code below.

**Call-in-Number:** 1-888-844-9904

**Participant Code:** 5126092**FOR**

#### **FURTHER INFORMATION ABOUT THE 11TH SESSION OF THE CCCF CONTACT:**

Henry Kim, Ph.D., Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, HFS-317, 5001 Campus Drive, College Park, MD 20740, Telephone: (240) 402-2023, Email: [henry.kim@fda.hhs.gov](mailto:henry.kim@fda.hhs.gov).

**FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT:** Henry Kim, Ph.D., Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, HFS-317, 5001 Campus Drive, College Park, MD 20740, Telephone: (301) 436-2023, Email: [henry.kim@fda.hhs.gov](mailto:henry.kim@fda.hhs.gov).

#### **Background**

The Codex was established in 1963 by two United Nations organizations, the

Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in the food trade.

The CCCF is responsible for:

(a) Establishing or endorsing permitted maximum levels, and where necessary revising existing guideline levels for contaminants and naturally occurring toxicants in food and feed;

(b) Preparing priority lists of contaminants and naturally occurring toxicants for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives (JECFA);

(c) Considering and elaborating methods of analysis and sampling for the determination of contaminants and naturally occurring toxicants in food and feed;

(d) Considering and elaborating standards or codes of practice for related subjects; and

(e) Considering other matters assigned to it by the Codex Alimentarius Commission in relation to contaminants and naturally occurring toxicants in food and feed.

The Committee is chaired by the Netherlands.

#### **Issues To Be Discussed at the Public Meeting**

The following items on the Agenda for the 11th Session of the CCCF will be discussed during the public meeting:

- Matters referred to the CCCF by the Codex Alimentarius Commission and/or its subsidiary bodies;

- Matters of interest arising from other international organizations;

- Proposed draft annex on ergot and ergot alkaloids in cereal grains (Annex to the Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals);

- Proposed draft revision of maximum levels for lead in selected fruits and vegetables (fresh and processed) in the General Standard for Contaminants and Toxins in Food and Feed;

- Proposed draft Code of Practice for the Prevention and Reduction of Arsenic Contamination in Rice;

- Proposed draft maximum levels for cadmium in chocolate and cocoa-derived products;

- Proposed draft Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Spices;

- Proposed draft maximum level for total aflatoxins in ready to eat peanuts;

- Discussion paper on maximum levels for methylmercury in tuna and other fish;
- Discussion paper on development of maximum levels for mycotoxin contamination in spices;
- Discussion paper on possible inclusion of non-dioxin like PCBs in the Code of Practice for the Prevention and Reduction of Dioxin and Dioxin-like PCB Contamination in Food and Feed; and
- Priority list of contaminants and naturally occurring toxicants proposed for evaluation by JECFA.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

#### Public Meeting

At the March 2, 2017 public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or emailed to Dr. Henry Kim (see **ADDRESSES**). Written comments should state that they relate to activities of the 11th Session of the CCCF.

#### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: <http://www.fsis.usda.gov/federal-register>. FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

#### USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

#### How to File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf), or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

**Mail:** U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250-9410, Fax: (202) 690-7442.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC, on: February 15, 2017.

**Paulo Almeida,**

*Acting U.S. Manager for Codex Alimentarius.*

[FR Doc. 2017-03391 Filed 2-21-17; 8:45 am]

**BILLING CODE 3410-DM-P**

#### DEPARTMENT OF AGRICULTURE

##### Foreign Agricultural Service

#### Notice of Request for Approval of a New Information Collection

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service to request approval for a new information collection for the USDA's Emerging Markets Program.

**DATES:** Comments on this notice must be received by April 24, 2017.

**ADDRESSES:** FAS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- **Federal eRulemaking Portal:** This Web site provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to <http://www.regulations.gov>. Follow the on-line instructions at the site for submitting comments.

- **Mail, including CD-ROMs, etc.:** Send to Curt Alt, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW., Room 6512, Washington, DC 20250.

- **Hand or courier delivered submittals:** Deliver to Curt Alt, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW., Room 6512, Washington, DC 20250.

**Instructions:** All items submitted by mail or electronic mail must include the agency name. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Curt Alt, Director, Program Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6512, Washington, DC 20250-1034, telephone: (202) 690-4784, email: [PODAdmin@FAS.usda.gov](mailto:PODAdmin@FAS.usda.gov).

#### SUPPLEMENTARY INFORMATION:

**Title:** USDA Emerging Markets Program.

**OMB Number:** 0551—New.

**Expiration Date of Approval:** Three years from approval date.

**Type of Request:** New information collection.

**Abstract:** Under the USDA Emerging Markets Program, information will be gathered from applicants desiring to receive grants under the program to determine the viability of requests for resources to implement activities authorized under the program. Recipients of grants under the program must submit performance and financial reports as set forth in the Emerging Market Program regulations, located at 7 CFR part 1486. Submitted information is used to develop effective grant agreements and assure that statutory requirements and program objectives are met.

**Estimate of Burden:** The public reporting burden for each respondent resulting from information collection under the USDA Emerging Markets Program varies in direct relation to the number and type of agreements entered into by such respondent. The estimated average reporting burden for the USDA Emerging Markets Program is 6.4 hours per response.

*Type of Respondents:* Private organizations, agricultural cooperatives, universities, state departments of agriculture, Federal Agencies, local government agencies, non-profit organizations and export trade associations.

*Estimated Number of Respondents:* 50 per annum.

*Estimated Number of Responses per Respondent:* 5 per annum.

*Estimated Total Annual Burden of Respondents:* 1,600 hours.

Copies of this information collection can be obtained from Connie Ehrhart, the Agency Information Collection Coordinator, at (202) 690-1578 or email at [Connie.Ehrhart@fas.usda.gov](mailto:Connie.Ehrhart@fas.usda.gov).

*Request for Comments:* Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to the Director, Program Operations Division, FAS, USDA, Room 6512, Washington, DC 20250, or to [PODAdmin@FAS.usda.gov](mailto:PODAdmin@FAS.usda.gov). Comments may also be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

#### E-Government Act Compliance

FAS is committed to complying with the E-Government Act of 2002, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Persons with disabilities who require an alternative means for communication of information (e.g., Braille, large print, audiotope, etc.) should contact USDA's Target Center at (202) 720-2600 (voice and TDD).

Dated: February 13, 2017.

**Holly Higgins,**

*Acting Administrator, Foreign Agricultural Service.*

[FR Doc. 2017-03428 Filed 2-21-17; 8:45 am]

**BILLING CODE 3410-10-P**

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Notice of Request for Approval of a New Information Collection

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service to request approval for a new information collection for the USDA's Quality Samples Program.

**DATES:** Comments on this notice must be received by April 24, 2017.

**ADDRESSES:** FAS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to <http://www/regulations.gov>. Follow the on-line instructions at the site for submitting comments.

- *Mail, including CD-ROMs, etc.:* Send to Curt Alt, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW., Room 6512, Washington, DC 20250.

- *Hand or courier delivered submittals:* Deliver to Curt Alt, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW., Room 6512, Washington, DC 20250.

*Instructions:* All items submitted by mail or electronic mail must include the agency name. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Curt Alt, Program Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6512, Washington, DC 20250-1034, telephone: (202) 690-4784, email: [PODAdmin@FAS.usda.gov](mailto:PODAdmin@FAS.usda.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* USDA Quality Samples Program.

*OMB Number:* 0551—New.

*Expiration Date of Approval:* Three years from approval date.

*Type of Request:* New information collection.

*Abstract:* Under the USDA Quality Samples Program, information will be gathered from applicants desiring to receive grants under the program to determine the viability of requests for resources to implement activities in foreign countries. Recipients of grants under the program must submit written evaluation reports as set forth in the annual Notices of Funding Availability for the Quality Samples Program. Submitted information is used to develop effective grant agreements and assure that statutory requirements and program objectives are met.

*Estimate of Burden:* The public reporting burden for each respondent resulting from information collection under the USDA Quality Samples Program varies in direct relation to the number and type of agreements entered into by such respondent. The estimated average reporting burden for the USDA Quality Samples Program is 4.4 hours per response.

*Type of Respondents:* Government agencies, private organizations, agricultural cooperatives, and export trade associations.

*Estimated Number of Respondents:* 10 per annum.

*Estimated Number of Responses per Respondent:* 25 per annum.

*Estimated Total Annual Burden of Respondents:* 1,100 hours.

Copies of this information collection can be obtained from Connie Ehrhart, the Agency Information Collection Coordinator, at (202) 690-1578 or email at [Connie.Ehrhart@fas.usda.gov](mailto:Connie.Ehrhart@fas.usda.gov).

*Request for Comments:* Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to the Director, Program Operations Division, FAS, USDA, Room 6512, Washington, DC 20250, or to [PODAdmin@FAS.usda.gov](mailto:PODAdmin@FAS.usda.gov).



Comments may also be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

### E-Government Act Compliance

FAS is committed to complying with the E-Government Act of 2002, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Persons with disabilities who require an alternative means for communication of information (e.g., Braille, large print, audiotope, etc.) should contact USDA's Target Center at (202) 720-2600 (voice and TDD).

Dated: February 13, 2017.

**Holly Higgins,**

*Acting Administrator, Foreign Agricultural Service.*

[FR Doc. 2017-03429 Filed 2-21-17; 8:45 am]

**BILLING CODE 3410-10-P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Energy Answers Arecibo, LLC: Notice of availability of a Final Environmental Impact Statement

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of Availability of a Final Environmental Impact Statement.

**SUMMARY:** The Rural Utilities Service (RUS), an agency within the Department of Agriculture (USDA), has prepared a Final Environmental Impact Statement (FEIS) to meet its responsibilities under the National Environmental Policy Act (NEPA), RUS's implementing regulations, 7 CFR part 1970, and other applicable environmental requirements related to providing financial assistance for Energy Answers Arecibo, LLC's (Energy Answers) proposed (Project) in Arecibo, Puerto Rico. RUS will also use the FEIS to meet its responsibilities under Section 106 of the National Historic Preservation Act, 54 U.S.C. 300101, and its implementing regulations, "Protection of Historic Properties" (36 CFR part 800). The FEIS addresses the construction, operation, and maintenance of Energy Answers'

proposed Project, a waste-to-energy generation and resource recovery facility described previously in the Draft Environmental Impact Statement (DEIS). It also addresses the roughly 3,820 comments received during the comment periods for the DEIS. The overall project area encompasses parts of the Cambalache Ward in Arecibo, Puerto Rico.

**DATES:** Written comments on the FEIS will be accepted 30 days following the publication of the Environmental Protection Agency's environmental impact statement receipt notice in the **Federal Register**. Notices of Availability of the FEIS will be published in the local newspapers. After a 30-day public review period on the FEIS, RUS will consider comments and prepare a Record of Decision for its respective action. The environmental review process is expected to conclude in the late winter or spring of 2017.

**FOR FURTHER INFORMATION CONTACT:** To receive copies of the FEIS or request information on the proposed Project, the FEIS process, and RUS financing, contact Mr. Steven Polacek, Environmental Protection Specialist, Rural Utilities Service, Water and Environmental Programs, 1400 Independence Ave. SW., Mail Stop 1571, Washington, DC 20250, telephone: (202) 205-9805, fax: (202) 690-0649, or email: [Steve.Polacek@wdc.usda.gov](mailto:Steve.Polacek@wdc.usda.gov). Copies of the FEIS will be available for review in the Arecibo Public Library (Nicolas Nabal Barreto), located at: 210 Santiago Iglesias Pantin Ave., Arecibo, Puerto Rico 00612.

**SUPPLEMENTARY INFORMATION:** Energy Answers plans to request financial assistance for the proposed Project from RUS. Completing the Environmental Impact Statement (EIS) is a precursor requirement to processing a loan application from Energy Answers. Upon completion of the EIS process, RUS would review Energy Answers' application along with other technical and financial considerations. Energy Answers proposes to construct a waste to energy generation and resource recovery facility in the Cambalache Ward of Arecibo, Puerto Rico. The proposed facility would receive and process approximately 2,300 tons of municipal waste per day and generate a gross capacity of 77 megawatts (MW). The Puerto Rico Electric Power Authority will purchase power generated from the facility. The preferred location of the facility is the site of a former paper mill and would cover approximately 79.6 acres of the 90-acre parcel. The proposal would include the following facility

components: A municipal solid waste receiving and processing building; processed refuse fuel storage building; boiler and steam turbine; emission control system; ash processing and storage building; and other associated infrastructure and buildings. Two other connected actions, which would be constructed by other utilities, include installation of an approximately 2.0-mile raw water line and construction of a 115 kilovolt (kV) transmission line approximately 0.8 miles in length. The connected actions will be addressed in the proposed Project's EIS.

In accordance with 7 CFR 1970.15(c)(2) and 40 CFR 1502.18, RUS incorporates as an appendix received on the environmental impact analyses and associated documentation prepared by the Puerto Rico Industrial Development Company (PRIDCO) and the United States Environmental Protection Agency (USEPA) where appropriate. PRIDCO served as a lead agency in preparing an EIS under the Puerto Rico Environmental Public Policy Act, Article 4(B)(3), Law No. 416 (September 22, 2004). The USEPA completed air quality analyses and issued a Prevention of Significant Deterioration (PSD) permit for the proposed Project on June 11, 2013. As applicable, the EIS documents changes in the affected environment and environmental consequences that may have changed since issuance of the PRIDCO-EIS and USEPA PSD permit.

Under NEPA regulations, RUS is required to identify and evaluate reasonable alternatives to the Project, as well as a no-action alternative. Reasonable alternatives are those that are "practical or feasible from the technical and economic standpoint." In determining reasonable alternatives, RUS considered a number of factors including the proposed action's size and scope, state of the technology, economic considerations, legal considerations, socioeconomic concerns, availability of resources, and the timeframe in which the identified need must be fulfilled. Alternative site locations, thermal conversion technologies, cooling process water sources, alternative fuels and renewable energy technologies were also considered.

RUS reviewed multiple needs including (1) providing a dispatchable electrical generation resource that adds to Puerto Rico Electric Power Authority's (PREPA) reserve capacity levels, (2) helping PREPA meet the Renewable Energy Portfolio Standard enacted by Puerto Rico and use cleaner and more environmentally friendly energy resources, and (3) decreasing Puerto Rico's dependence on imported



fossil fuels and contributing to the fuel diversification of the generation both owned and purchased by PREPA.

Of the alternatives considered by RUS, the Arecibo Waste-to-Energy and Resource Recovery Project best minimizes or mitigates the potential impacts on the environment while meeting the proposed purpose and need for the project.

RUS is authorized to make loans and loan guarantees that finance the construction of water lines, electrical transmission lines, Waste-to-Energy and Resource Recovery facilities. RUS is responsible for completing the environmental review process prior to processing Energy Answers' application.

Completion of the environmental review process allows the project proponents to submit an application for financing to RUS. It does not represent a commitment to fund the project or a determination that the applicant has met the agency's underwriting criteria. All loan applicants are required to demonstrate eligibility, financial feasibility and provide reasonably adequate security for any financing made available from RUS. The proposed Project is subject to the jurisdiction of, and contingent upon, compliance with all relevant presidential executive orders and federal, state, and local environmental laws and regulations in addition to the completion of the environmental review requirements as prescribed in RUS's Environmental Policies and Procedures, 7 CFR part 1970.

RUS has prepared the FEIS to analyze the impacts of its respective Federal actions and the proposed Project in accordance with NEPA, as amended, the Council in Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and Rural Development's Environmental Policies and Procedures (7 CFR part 1970). RUS has already prepared and published a DEIS which can be found on the Agency Web site at <http://www.rd.usda.gov/publications/environmental-studies/impact-statements/arecibo-waste-energy-generation-and-resource>.

In accordance with 7 CFR 1970.15(c)(2) and 40 CFR 1502.18, RUS incorporates, as an appendix, the environmental impact analyses and associated documentation prepared by the Puerto Rico Industrial Development Company (PRIDCO) and the USEPA where appropriate. PRIDCO served as a lead agency in preparing an EIS under the Puerto Rico Environmental Public Policy Act, Article 4(B)(3), Law No. 416 (September 22, 2004). The USEPA completed air quality analyses and

issued a Prevention of Significant Deterioration (PSD) permit for the proposed Project on June 11, 2013. As applicable, the EIS documents changes in the affected environment and environmental consequences that may have changed since issuance of the PRIDCO-EIS and USEPA PSD permit.

RUS has determined that its action regarding the proposed Project would be an undertaking subject to review under Section 106 of the National Historic Preservation Act, 16 U.S.C. 470 and its implementing regulations, "Protection of Historic Properties" (36 CFR part 800). As part of its broad environmental review process, RUS must take into account the effect of the proposed Project on historic properties in accordance with Section 106. Pursuant to 36 CFR 800.2(d)(3), RUS is using its procedures for public involvement under NEPA to meet its responsibilities to solicit and consider the views of the public during Section 106 review. Accordingly, comments submitted in response to this Notice will inform RUS decision-making in its Section 106 review process.

The Final EIS is available in both Spanish and English for review at the following Web site: <http://www.rd.usda.gov/publications/environmental-studies/impact-statements/arecibo-waste-energy-generation-and-resource>. The Final EIS will be available for review 30 days after the USEPA's EIS receipt notice in the **Federal Register**. Following this review period, RUS will publish a Record of Decision (ROD). Notices announcing the availability of the ROD will be published in the **Federal Register** and in local newspapers.

This Notice of Availability also serves as a notice of proposed floodplain and wetland action. It is anticipated that Energy Answers would need to fill 2.4 acres (9,793.4 square meters) of on-site wetlands for proposed Project. Energy Answers will be required to implement mitigation for the wetland conversion, as contained in their Section 404 permit. Additionally, excavation required for the proposed Project is expected to result in a small increase in base flood elevations along predominately undeveloped properties located east and west, as well as immediately upstream, of the Project site.

**Christopher A. McLean,**

*Assistant Administrator—Electric Program, Rural Utilities Service.*

[FR Doc. 2017–03404 Filed 2–21–17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[S–16–2017]

#### Foreign-Trade Zone 20—Norfolk, Virginia; Application for Expansion of Subzone 20E; STIHL Incorporated; Virginia Beach, Virginia

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Virginia Port Authority, grantee of FTZ 20, requesting the expansion of Subzone 20E to include an additional site of STIHL Incorporated, located in Virginia Beach, Virginia. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on February 6, 2017.

Subzone 20E was approved on April 24, 2009 (Board Order 1612, 74 FR 21623, May 8, 2009) and consists of five sites (86.56 acres). They are as follows: *Site 1* (47.02 acres)—536 Viking Drive, Virginia Beach; *Site 2* (19.52 acres)—2525 International Parkway, Virginia Beach; *Site 3* (7.14 acres)—601 Central Drive, Virginia Beach; *Site 4* (10.26 acres)—825 London Bridge Road, Virginia Beach; and, *Site 5* (2.62 acres)—528 Viking Drive, Virginia Beach. The applicant is requesting authority to expand the subzone to include an additional site: *Proposed Site 6* (45 acres)—2600 International Parkway, Virginia Beach. The existing subzone and the proposed site would be subject to the existing activation limit of FTZ 20. No additional authorization for production activity has been requested at this time.

In accordance with the Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 3, 2017. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 18, 2017.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the "Reading Room" section of the Board's

Web site, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Kathleen Boyce at [Kathleen.Boyce@trade.gov](mailto:Kathleen.Boyce@trade.gov) or (202) 482-1346.

Dated: February 6, 2017.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2017-03437 Filed 2-21-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-12-2017]

#### **Foreign-Trade Zone (FTZ) 29— Louisville, Kentucky; Notification of Proposed Production Activity; Hitachi Automotive Systems Americas, Inc. (Automotive Fuel Injection Assemblies); Harrodsburg, Kentucky**

The Louisville and Jefferson County Riverport Authority, grantee of FTZ 29, submitted a notification of proposed production activity to the FTZ Board on behalf of Hitachi Automotive Systems Americas, Inc. (Hitachi), located in Harrodsburg, Kentucky. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 6, 2017.

Hitachi already has authority to produce automotive components within Subzone 29F of FTZ 29. The current request would add an additional finished product to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Hitachi from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, Hitachi would be able to choose the duty rates during customs entry procedures that apply to fuel rail assemblies (duty rate 2.5%) for the foreign-status materials/components in the existing scope of authority. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 3, 2017.

A copy of the notification will be available for public inspection at the

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

For further information, contact Christopher Kemp at [Christopher.Kemp@trade.gov](mailto:Christopher.Kemp@trade.gov) or (202) 482-0862.

Dated: February 15, 2017.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2017-03435 Filed 2-21-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-10-2017]

#### **Foreign-Trade Zone (FTZ) 177— Evansville, Indiana; Notification of Proposed Production Activity; Toyota Motor Manufacturing Indiana, Inc. (Automotive Vehicles); Princeton, Indiana**

The Ports of Indiana, grantee of FTZ 177, submitted a notification of proposed production activity to the FTZ Board on behalf of Toyota Motor Manufacturing Indiana, Inc. (Toyota), located in Princeton, Indiana. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 3, 2017.

Toyota already has authority to produce light-duty passenger vehicles (pickup trucks, sport utility vehicles, minivans) within FTZ Subzone 177B. The current request would add automotive vehicles to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Toyota from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, Toyota would be able to choose the duty rates during customs entry procedures that apply to passenger vehicles and passenger hybrid vehicles (duty rate 2.5%) for the foreign-status materials/components noted below and in the existing scope of authority. Customs duties also could possibly be deferred or

reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Plastic labels; hole covers; seal tape; rubber belts; steel self tapping screws; steel pins; steel nuts; steel tension springs; steel rings; steel clamps; steel clips; steel plugs; aluminum nuts; zinc retainers; zinc nuts; fans; lead-acid batteries; nickel-metal hydride batteries; lithium-ion batteries; speakers; transmitters; receivers; radio switches; televisions; plug assemblies; sockets; switches; plastic terminal covers; remotes; controls; keys; insulated electric wires; and, cigarette lighters (duty rate ranges from 2.6% to 8.6%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 3, 2017.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

For further information, contact Juanita H. Chen at [Juanita.Chen@trade.gov](mailto:Juanita.Chen@trade.gov) or (202) 482-1378.

Dated: February 15, 2017.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2017-03419 Filed 2-21-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-560-826]

#### **Monosodium Glutamate From Indonesia: Final Results of Antidumping Duty Administrative Review; 2014-2015**

**AGENCY:** Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

**SUMMARY:** On November 25, 2016, the Department of Commerce (Department) published its preliminary results of the administrative review of the antidumping duty order on monosodium glutamate (MSG) from Indonesia. The administrative review covers one exporter of the subject merchandise, PT Cheil Jedang Indonesia (CJI). The period of review (POR) is May 8, 2014, through October 31, 2015. We

continue to find that sales of subject merchandise by CJI were not made at prices less than normal value during the POR. The final weighted-average dumping margin is listed below in the section entitled "Final Results of Review."

**DATES:** Effective February 22, 2017.

**FOR FURTHER INFORMATION CONTACT:** David Lindgren or Joseph Traw, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3870 or (202) 482-6079, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

This review covers one exporter of the subject merchandise, CJI. On November 25, 2016, the Department published the *Preliminary Results* of this administrative review.<sup>1</sup> Subsequent to the *Preliminary Results*, the Department issued a supplemental questionnaire to CJI, the response to which was filed on December 21, 2016.<sup>2</sup> On January 12, 2017, we invited parties to submit comments on the *Preliminary Results*, but no case briefs were submitted to the Department.<sup>3</sup> Further, no party submitted a request for a hearing in the instant review. The Department conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**

The merchandise covered by this order is monosodium glutamate (MSG), whether or not blended or in solution with other products. Specifically, MSG that has been blended or is in solution with other product(s) is included in this order when the resulting mix contains 15 percent or more of MSG by dry weight. Products with which MSG may be blended include, but are not limited to, salts, sugars, starches, maltodextrins, and various seasonings. Further, MSG is included in this order regardless of physical form (including, but not limited to, in monohydrate or anhydrous form, or as substrates, solutions, dry powders of any particle

size, or unfinished forms such as MSG slurry), end-use application, or packaging.

MSG in monohydrate form has a molecular formula of C<sub>5</sub>H<sub>8</sub>NO<sub>4</sub>Na·H<sub>2</sub>O, a Chemical Abstract Service (CAS) registry number of 6106-04-3, and a Unique Ingredient Identifier (UNII) number of W81N5U6R6U. MSG in anhydrous form has a molecular formula of C<sub>5</sub>H<sub>8</sub>NO<sub>4</sub> Na, a CAS registry number of 142-47-2, and a UNII number of C3C196L9FG.

Merchandise covered by this order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2922.42.10.00. Merchandise covered by this order may also enter under HTSUS subheadings 2922.42.50.00, 2103.90.72.00, 2103.90.74.00, 2103.90.78.00, 2103.90.80.00, and 2103.90.90.91. These tariff classifications, CAS registry numbers, and UNII numbers are provided for convenience and customs purposes; however, the written description of the scope is dispositive.

**Analysis of Comments Received**

As noted above, we received no comments since the publication of the *Preliminary Results*.

**Changes Since the Preliminary Results**

As no parties submitted any comments on the Department's methodology in the *Preliminary Results*, the Department has made no adjustments to the margin calculation methodology for CJI.<sup>4</sup>

**Final Results of Review**

The Department determines that the following weighted-average dumping margin exists for entries of subject merchandise that were produced and/or exported by the following company during the POR:

Manufacturer/ exporter	Weighted- average margin (percent)
PT Cheil Jedang Indonesia .....	0.00

**Assessment Rates**

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the

final results of this review, in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). CJI's weighted-average dumping margin in these final results is zero percent. Therefore, we will instruct CBP to liquidate all appropriate entries without regard to antidumping duties. The Department intends to issue the appropriate assessment instructions for CJI to CBP 15 days after the date of publication of these final results.

**Cash Deposit Requirements**

The following deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for CJI will be the weighted-average dumping margin listed above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and, (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be the all others rate for this proceeding, 6.19 percent, as established in the less-than-fair-value investigation.<sup>5</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Disclosure**

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

**Notification to Importers**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties

<sup>1</sup> See *Monosodium Glutamate from Indonesia: Preliminary Results of Antidumping Duty Administrative Review; 2014-2015*, 81 FR 85206 (November 25, 2016) (*Preliminary Results*).

<sup>2</sup> See Letter from CJI "Monosodium Glutamate ("MSG") from Indonesia; 1st Administrative Review; CJ Response to Second Supplemental Questionnaire," December 21, 2016.

<sup>3</sup> See Memorandum to the File "Antidumping Duty Administrative Review of Monosodium Glutamate from Indonesia: Case Brief Schedule," January 12, 2017.

<sup>4</sup> The Department notes that, subsequent to the *Preliminary Results*, we received updated sales and cost information from CJI in response to a supplemental questionnaire. While we have made no changes to the calculation methodology, we have incorporated this updated information into the calculations. For more information, see Final Analysis Memorandum.

<sup>5</sup> See *Monosodium Glutamate from the Republic of Indonesia: Final Determination of Sales at Less Than Fair Value* 79 FR 58329 (September 29, 2014).

occurred and the subsequent assessment of double antidumping duties.

#### Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

#### Notification to Interested Parties

These final results are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: February 14, 2017.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2017-03418 Filed 2-21-17; 8:45 am]

**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE

##### National Institute of Standards and Technology

##### Visiting Committee on Advanced Technology

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Visiting Committee on Advanced Technology (VCAT or Committee), National Institute of Standards and Technology (NIST), will meet by webinar in an open session on Thursday, March 16, 2017 from 2:00 p.m. to 3:00 p.m. Eastern Time. The VCAT is composed of not fewer than 9 members appointed by the NIST Director, a majority of whom are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations.

**DATES:** The VCAT will meet on Thursday, March 16, 2017, from 2:00 p.m. to 3:00 p.m. Eastern Time.

**ADDRESSES:** The meeting will be conducted by webinar. Please note instructions under the **SUPPLEMENTARY**

**INFORMATION** section of this notice for participation.

#### FOR FURTHER INFORMATION CONTACT:

Serena Martinez, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899-1060, telephone number 301-975-2661. Mrs. Martinez's email address is [serena.martinez@nist.gov](mailto:serena.martinez@nist.gov).

#### SUPPLEMENTARY INFORMATION:

**Authority:** 15 U.S.C. 278, as amended, and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

The purpose of this meeting is for the VCAT to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include a discussion on the Committee's focus for 2017. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at <http://www.nist.gov/director/vcat/agenda.cfm>.

Members of the public can listen to the discussion. The meeting is available to the public through a toll-free call-in number. When you register by email to Mrs. Serena Martinez, [serena.martinez@nist.gov](mailto:serena.martinez@nist.gov), with your name, organization affiliated with (if any), and email address, the toll-free call-in information, including passcode, will be provided to you. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Committee will not refund any incurred charges. Callers will incur no charges for calls they initiate over land-line connections to the toll-free call-in number. Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda by email to [Stephanie.shaw@nist.gov](mailto:Stephanie.shaw@nist.gov), no later than March 8, 2017 by 5:00 p.m. Eastern Time. Approximately fifteen minutes will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the NIST Web site at <http://www.nist.gov/director/vcat/agenda.cfm>. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, and those who had wished to speak but could not be accommodated on the agenda, are

invited to submit written statements to VCAT, NIST, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland, 20899, via fax at 301-216-0529 or electronically by email to [stephanie.shaw@nist.gov](mailto:stephanie.shaw@nist.gov).

**Phillip A. Singerman,**

*Associate Director for Innovations and Industry Services.*

[FR Doc. 2017-03426 Filed 2-21-17; 8:45 am]

**BILLING CODE 3510-13-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

**RIN 0648-XE271**

##### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Bravo Wharf Recapitalization Project

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; revision of an incidental harassment authorization.

**SUMMARY:** Notice is hereby given that we have revised an incidental harassment authorization (IHA) issued to the U.S. Navy (Navy) to incidentally harass, by Level B harassment only, one species of marine mammal during construction activities associated with a wharf recapitalization project at Naval Station Mayport, Florida. The project has been delayed and the effective dates revised accordingly.

**DATES:** This authorization is now effective from March 13, 2017, through March 12, 2018.

**FOR FURTHER INFORMATION CONTACT:** Laura McCue, Office of Protected Resources, NMFS, (301) 427-8401.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 21, 2015, we received a request from the Navy for authorization of the taking, by Level B harassment only, of marine mammals incidental to pile driving in association with the Bravo Wharf Recapitalization Project at Naval Station Mayport, Florida (NSM). A final version, which we deemed adequate and complete, was submitted on November 17, 2015. We published notice of a proposed IHA and request for comments on December 7, 2015 (80 FR 75978), and subsequently published final notice of our issuance of the IHA on August 9, 2016 (81 FR 52637). In-water work associated with the project was expected to be completed within

the one-year timeframe of the IHA (effective dates originally December 1, 2016 through November 30, 2017). One species of marine mammal is expected to be affected by the specified activities: Bottlenose dolphin (*Tursiops truncatus truncatus*). This species may occur year-round in the action area. On January 23, 2017, the Navy informed us that no work had been performed relevant to the specified activity considered in the MMPA analysis and requested that the dates of the IHA be revised.

### Summary of the Activity

The purpose of the project is to complete necessary repairs at an existing general purpose berthing wharf at NSM. The wharf is one of NSM's two primary deep-draft berths and is one of the primary ordnance handling wharves, and is in an advanced state of deterioration resulting in load restrictions. Construction of the replacement pier will require vibratory pile installation, with impact pile driving as a contingency. The entire project is expected to require a maximum of 130 in-water workdays over two phases within a 24-month period. This IHA would be valid from December 1, 2016 through November 30, 2017.

In order to rehabilitate Bravo Wharf, the Navy proposes to install a new steel sheet pile bulkhead at Bravo Wharf, requiring approximately 880 single sheet piles (Phase I—berths B-2 and B-3: 590; Phase II—berth B-1: 290). Vibratory driving will be the primary method of installation for all piles, although impact driving may be required as a contingency in the case of difficult subsurface driving conditions.

Effects to marine mammals from the specified activity are expected to result from underwater sound produced by vibratory and impact pile driving. In order to assess project impacts, the Navy used thresholds recommended by NMFS. The Navy assumed practical spreading loss and used empirically-measured source levels from representative pile driving events to estimate potential marine mammal exposures. The calculations predict that only Level B harassment would occur associated with pile driving activities, and required mitigation measures further ensure that no more than Level B harassment would occur.

### Findings

**Marine Mammal Protection Act (MMPA)**—As required by the MMPA, in order to issue an IHA, we determined that (1) the required mitigation measures are sufficient to reduce the effects of the specified activities to the

level of least practicable impact; (2) the authorized takes will have a negligible impact on the affected marine mammal species; (3) the authorized takes represent small numbers relative to the affected stock abundances; and (4) the Navy's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action.

**National Environmental Policy Act (NEPA)**—The Navy prepared an Environmental Assessment analyzing the project. We reviewed the EA and the public comments received and determined that it was appropriate to adopt the document in order to assess the impacts to the human environment of issuance of an IHA to the Navy. We signed a Finding of No Significant Impact on July 25, 2016.

**Endangered Species Act (ESA)**—There are no ESA-listed marine mammals expected to occur in the action area. Therefore, the Navy did not request authorization of the incidental take of ESA-listed species and no such authorization was issued; therefore, no consultation under the ESA was required.

### Summary of the Revision

Construction activities have been delayed for the project due to delays from construction activities at another wharf in NSM, where they are allowed to only have one out-of-service wharf at a time. No in-water work has occurred, including all aspects of the specified activity considered in our issuance of the IHA. The IHA, as issued, is a one-year IHA with no consideration of seasonality in timing any component of the specified activity. Therefore, shifting the effective dates of the IHA to accommodate the Navy's delayed schedule for this project has no effect on our analysis of project impacts and does not affect our findings. NOAA's new acoustic guidance was published in the **Federal Register** on August 4, 2016 (81 FR 51693) after the original IHA was issued. We are not considering this information here; the change to the effective dates is the only change to this IHA. No other new information is available that would substantively affect our analyses under the MMPA, NEPA, or ESA. All mitigation, monitoring, and reporting measures described in our notice of issuance of the IHA remain in effect. The species for which take was authorized and the numbers of incidences of take authorized are unchanged.

As a result of the foregoing, we have revised the IHA issued to the Navy to conduct the specified activities in Naval

Station Mayport, FL. Originally valid for 1 year, from December 1, 2013, through November 30, 2014, the IHA now becomes effective on March 13, 2017, and is valid for one year, until March 12, 2018.

Dated: February 16, 2017.

**Donna S. Wieting,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2017–03410 Filed 2–21–17; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XF185**

### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States, Dolphin and Wahoo Fishery Off the Atlantic States, and Coral and Coral Reefs Fishery in the South Atlantic; Exempted Fishing Permit**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of receipt of an application for an exempted fishing permit; request for comments.

**SUMMARY:** NMFS announces the receipt of an application for an exempted fishing permit (EFP) from Dr. Janelle Fleming, on behalf of the Eastern Carolina Artificial Reef Association (ECARA). If granted, the EFP would authorize the deployment of Maine lobster traps, crab pot Christmas trees, and geometric reef balls (fish attracting devices) at several sites in the Federal waters off North Carolina to determine the efficacy of these gear types for attracting and collecting invasive lionfish.

**DATES:** Written comments must be received on or before March 24, 2017.

**ADDRESSES:** You may submit comments on the application, identified by “NOAA–NMFS–2017–0011”, by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0011](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0011), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Frank Helies, Southeast Regional Office,

NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Frank Helies, 727-824-5305; email [frank.helies@noaa.gov](mailto:frank.helies@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

The EFP request involves activities covered by regulations implementing the Fishery Management Plans (FMP) for Federally managed fisheries of the South Atlantic Region, which prohibit the use of fish traps in the South Atlantic (50 CFR 622.9). The applicant requests authorization to deploy two sets of five Maine lobster traps with crab pot Christmas trees and geometric reef balls. Crab pot Christmas trees are a vertical, pyramid-shaped structure with many branch-type projections. Crab pot Christmas trees and geometric reef balls would be used as fish attracting devices in the project. The deployed fishing gear and accompanying attracting devices would be set along artificial reef sites, natural reef sites, rocky reef bottom, and a flat sandy area in Federal waters off North Carolina.

The applicant has requested the EFP be effective from April 15, 2017, through December 31, 2018.

The purpose of this study is to support continued research on traps that could be used for collecting invasive lionfish off eastern North Carolina artificial reefs, and to determine their efficacy for lionfish collection and as fish attracting devices. Additionally, the project intends to assess consumers' preference for lionfish as an exotic food source in a restaurant setting to determine if Carteret County, North Carolina, would support a consumer market for the species.

Each string of five Maine lobster traps and crab pot Christmas trees will be

connected by a chain with no buoy lines to the surface, and deployed along designated hard bottom features with a distance of 30 ft (9.14 m) to 50 ft (15.24 m) between each trap. After deployment, divers will verify the position of the deployed fishing gear to ensure they are located between 20 ft (6.10 m) and 30 ft (9.14 m) from the designated bottom feature. Fishing gear deployment would occur year-round along the North Carolina coast from 3 nautical miles offshore, and up to 360 ft (109.68 m) in depth. The fishing gear will be deployed for at least 48 hours and no longer than 3 weeks. After 48 hours, divers will count and identify the number of fish inside and around the fishing gear, and record video prior to hauling the gear.

Video images will be used to assess the success of the crab pot Christmas trees and geometric reef balls as attracting devices for lionfish, and other fish species. Fish captured in the Maine lobster traps will be quantified to the lowest possible taxon, measured, photographed/video documented, and released alive. Any egg bearing lobsters captured in a trap will be returned to the water and released alive. Captured lionfish will be counted, measured, and prepared for consumption at nearby restaurants. These lionfish will be offered, free of charge, to patrons as part of the consumer demand assessment portion of the research project.

The applicant previously submitted an application for an EFP for this study and NMFS noticed receipt of that application in the **Federal Register** (80 FR 5737, February 3, 2015). No public comments were submitted based on that notice and the South Atlantic Fishery Management Council (Council) supported the issuance of an EFP for the study. Based on that application and NMFS review, an EFP was issued on March 6, 2015, with an expiration date of December 31, 2016. The applicant now seeks to continue this study, as during the course of the previous EFP, they encountered logistical difficulties related to vessel availability and obtaining the required fishing gear.

NMFS finds this application warrants further consideration based on a preliminary review. Possible conditions the agency may impose on this permit, if they are granted, include but are not limited to, a prohibition of conducting research within marine protected areas, marine sanctuaries, special management zones, or artificial reefs without additional authorization, and use of escape panels on the Maine lobster traps. Additionally, and consistent with Appendix F to 50 CFR part 622, NMFS will require any sea turtles taken

incidentally during the course of fishing or scientific research activities to be handled with due care to prevent injury to live specimens, observed for physical condition, and returned to the water. A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with the affected state, the Council, and the U.S. Coast Guard, and a determination that the application, and EFP if issued, are consistent with all applicable laws.

**Authority:** 16 U.S.C 1801 *et seq.*

Dated: February 16, 2017.

**Karen H. Abrams,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-03458 Filed 2-21-17; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Economic Impacts of Marine Debris on Tourism-dependent Communities

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before April 24, 2017.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [pracomments@doc.gov](mailto:pracomments@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Amy V. Uhrin, Chief Scientist, NOS Office of Response and Restoration, Marine Debris Division, N/ORR, SSMC4, Rm. 10240, 1305 East-West Highway, Silver Spring, MD 20910, (240)-533-0426, [amy.uhrin@noaa.gov](mailto:amy.uhrin@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This request is for a new information collection.

The National Ocean Service, Office of Response and Restoration, Marine Debris Program is sponsoring this data collection. The Marine Debris Program was created under the 2006 "Marine Debris Research, Prevention, and Reduction Act" (33 U.S.C. 1951 *et seq.*) which was reauthorized in 2012 as the "Marine Debris Act Amendments of 2012" (H.R. 1171) as part of the Coast Guard Maritime Transportation Act (H.R. 2838). Among other activities, the bill requires NOAA ". . . to address the adverse impacts of marine debris on the United States economy . . ." To that aim, the proposed data collection will support the goals of a larger study whose purpose is to develop a regional economic model to estimate the value to local economies of increased spending on recreation and tourism from the reduction or elimination of marine debris on beaches in seven coastal communities of the continental U.S. The data collection will consist of on-site sampling to generate a pool of respondents who will be sent a mail survey that asks questions related to beach attributes, local beach familiarity, number of beach trips taken, and ratings of marine debris encountered while on these trips. Onsite sampling will involve intercepting people at several beaches in each study area and asking them to participate in a mail survey. For those willing to take the mail survey, a brief onsite interview will ask the respondent's name and mailing address, as well as several demographic questions such as age and education. Those who do not agree to participate in the mail survey will only be asked the demographic questions, whether they participated in a single or multi-day trip, and zip code. A mail-survey mode will be used for the follow-up questionnaire. The mail survey instrument will combine a selection of questions from a previously OMB-approved survey instrument used in Orange County, California with new contingent behavior questions developed specifically for this study to determine the impact of the presence of marine debris on respondents' recreation choices. This data collection will determine the impact of marine debris on survey respondents' recreation choices at these seven coastal communities and represents the first component to be undertaken as part of the larger study.

**II. Method of Collection**

People will be approached at several beaches in each study area and asked to participate in a mail survey.

**III. Data**

OMB Control Number: 0648-xxxx.

Form Number(s): None.

Type of Review: Regular (request for a new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 1600.

Estimated Time per Response: 2 minutes for site intercept, 10 minutes for mail survey.

Estimated Total Annual Burden Hours: 729 hours.

Estimated Total Annual Cost to Public: \$0 in recordkeeping/reporting costs.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 16, 2017.

**Sarah Brabson,**

NOAA PRA Clearance Officer.

[FR Doc. 2017-03433 Filed 2-21-17; 8:45 am]

BILLING CODE 3510-JE-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

RIN 0648-XF234

**Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; public meeting.

**SUMMARY:** The Tilefish Monitoring Committee of the Mid-Atlantic Fishery Management Council (Council) will hold a meeting.

**DATES:** The meeting will be held on Tuesday, March 21, beginning at 10 a.m. and conclude by noon. For agenda details, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The meeting will be held via webinar with a telephone-only connection option: <http://mafmc.adobeconnect.com/tile-mc-2017/>.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331 or on their Web site at [www.mafmc.org](http://www.mafmc.org).

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526-5255.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is for the Tilefish Monitoring Committee to recommend management measures designed to achieve recommended catch limits for the blueline and golden tilefish fisheries.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526-5251, at least 5 days prior to the meeting date.

Dated: February 16, 2017.

**Tracey L. Thompson,**

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017-03430 Filed 2-21-17; 8:45 am]

BILLING CODE 3510-22-P

**CONSUMER PRODUCT SAFETY COMMISSION****Sunshine Act Meetings Notice**

**TIME AND DATE:** Wednesday, March 1, 2017, 10:00 a.m.–12:00 p.m.

**PLACE:** Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Commission Meeting—Open to the Public.

**MATTERS TO BE CONSIDERED:**

*Decisional:* Magnet Sets Safety Standard—Removal from the Code of Federal Regulations

A live webcast of the Meeting can be viewed at [www.cpsc.gov/live](http://www.cpsc.gov/live).

**CONTACT PERSON FOR MORE INFORMATION:** Todd A. Stevenson, Office of the



Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: February 16, 2017.

**Todd A. Stevenson,**  
Secretary.

[FR Doc. 2017-03552 Filed 2-17-17; 4:15 pm]

BILLING CODE 6355-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2014-0033]

### Notice of Availability: Estimated Phthalate Exposure and Risk to Women of Reproductive Age as Assessed Using 2013/2014 NHANES Biomonitoring Data

**AGENCY:** U.S. Consumer Product Safety Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The Consumer Product Safety Commission (Commission, or CPSC) is announcing the availability of a document titled, "Estimated Phthalate Exposure and Risk to Women of Reproductive Age as Assessed Using 2013/2014 NHANES Biomonitoring Data."

**DATES:** Submit comments by March 24, 2017.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC-2014-0033, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through [www.regulations.gov](http://www.regulations.gov). The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

*Written Submissions:* Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

*Instructions:* All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: [www.regulations.gov](http://www.regulations.gov). Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not

want to be available to the public. If furnished at all, such information should be submitted in writing.

*Docket:* For access to the docket to read background documents or comments received, go to: [www.regulations.gov](http://www.regulations.gov), and insert the docket number CPSC-2014-0033, into the "Search" box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Kent R. Carlson, Ph.D., Toxicologist, Division of Toxicology & Risk Assessment, Directorate for Health Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850-3213; email: [kcarlson@cpsc.gov](mailto:kcarlson@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** Section 108 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) required the Commission to appoint a Chronic Hazard Advisory Panel (CHAP) to study the effects on children's health of phthalates and phthalate alternatives in children's toys and child care articles. Public Law 110-314, Section 108(b)(2)(A). The CHAP report is available at: <http://www.cpsc.gov/PageFiles/169902/CHAP-REPORT-With-Appendices.pdf>.

The CPSIA also required that the CHAP issue a report to the Commission and that the Commission conduct rulemaking based on the CHAP report. *Id.* Section 108(b)(2)(C); 108(b)(3). On December 30, 2014, the Commission issued a notice of proposed rulemaking (NPR) that would prohibit children's toys and child care articles containing specified phthalates. 79 FR 78324 (December 30, 2014).

The CHAP assessed human exposure to phthalates, in part, through human biomonitoring analysis. Among the data sources the CHAP considered were data from the National Human Health and Nutrition Survey (NHANES). *See* 79 FR at 78327. Specifically, the CHAP used biomonitoring data from the 2005/2006 NHANES data set.

In June 2015, CPSC staff released a document, "Estimated Phthalate Exposure and Risk to Pregnant Women and Women of Reproductive Age as Assessed Using Four NHANES Biomonitoring Data Sets (2005/2006, 2007/2008, 2009/2010, 2011/2012)." <sup>1</sup> The June 2015 analysis reviewed the 2005/2006 NHANES data set to replicate the CHAP's methodology and reviewed the subsequent NHANES data sets from 2007/2008, 2009/2010, 2011/2012). On June 23, 2015, the Commission published a notice of availability (NOA)

<sup>1</sup> The 2015 staff report is available at <http://www.cpsc.gov/Global/Regulations-Laws-and-Standards/CPSIA/CHAP/NHANES-Biomonitoring-analysis-for-Commission.pdf>.

in the **Federal Register** requesting public comment on the June 2015 staff analysis document. 80 FR 35938 (June 23, 2015).

Since the June 2015 staff analysis, the Centers for Disease Control released the NHANES 2013/14 data set. In response to the release of the NHANES 2013/14 data set, CPSC staff has prepared a document reflecting the staff's analysis of the NHANES 2013/2014 data set: "Estimated Phthalate Exposure and Risk to Women of Reproductive Age as Assessed Using 2013/2014 NHANES Biomonitoring Data." The document is available on the Commission's Web site at: <https://www.cpsc.gov/s3fs-public/Estimated%20Phthalate%20Exposure%20and%20Risk%20to%20Women%20of%20Reproductive%20Age%20as%20Assessed%20Using%202013%202014%20NHANES%20Biomonitoring%20Data.pdf> and from the Commission's Office of the Secretary at the location listed in the **ADDRESSES** section of this notice.

The Commission invites comment on the document, "Estimated Phthalate Exposure and Risk to Women of Reproductive Age as Assessed Using 2013/2014 NHANES Biomonitoring Data." Comments should be submitted by March 24, 2017. Information on how to submit comments can be found in the **ADDRESSES** section of this notice.

Dated: February 16, 2017.

**Todd A. Stevenson,**  
Secretary, Consumer Product Safety Commission.

[FR Doc. 2017-03455 Filed 2-21-17; 8:45 am]

BILLING CODE 6355-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 17-C0002]

### Keurig Green Mountain, Inc., Provisional Acceptance of a Settlement Agreement and Order

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of the Consumer Product Safety Commission's regulations. Published below is a provisionally-accepted Settlement Agreement with Keurig Green Mountain, Inc., containing a civil penalty in the amount of five million, eight hundred thousand dollars (\$5,800,000) within thirty (30) days of



service of the Commission's final Order accepting the Settlement Agreement.

**DATES:** Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by March 9, 2017.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 17–C0002, Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Room 820, Bethesda, Maryland 20814–4408.

**FOR FURTHER INFORMATION CONTACT:** Daniel R. Vice, Trial Attorney, Division of Compliance, Office of the General Counsel, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814–4408; telephone (301) 504–6996.

**SUPPLEMENTARY INFORMATION:** The text of the Agreement and Order appears below.<sup>1</sup>

Dated: February 16, 2017.

**Todd A. Stevenson,**  
*Secretary.*

## United States of America

### Consumer Product Safety Commission

In the Matter of: Keurig Green Mountain, Inc.

CPSC Docket No.: 17–C0002

### SETTLEMENT AGREEMENT

1. In accordance with the Consumer Product Safety Act, 15 U.S.C. 2051–2089 (“CPSA”) and 16 CFR 1118.20, Keurig Green Mountain, Inc. (“Keurig”) and the United States Consumer Product Safety Commission (“Commission”), through its staff, hereby enter into this Settlement Agreement (“Agreement”). The Agreement and the incorporated attached Order resolve staff's charges set forth below.

#### THE PARTIES

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for, the enforcement of the CPSA, 15 U.S.C. 2051–2089. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 CFR

1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. Keurig is a corporation, organized and existing under the laws of the state of Delaware, with its executive offices in Waterbury, VT.

#### STAFF CHARGES

4. Between December 2009 and December 2014, Keurig imported and offered for sale in the United States approximately 6.6 million Keurig MINI Plus Brewing Systems (model K10, previously identified as model B31) (“Brewers” or “Subject Products”).

5. The Brewer is a “consumer product” “distribut[ed] in commerce,” as those terms are defined or used in sections 3(a)(5) and (8) of the CPSA, 15 U.S.C. 2052(a)(5) and (8). Keurig is a “manufacturer” of the Brewers, as such term is defined in section 3(a)(11) of the CPSA, 15 U.S.C. 2052(a)(11).

6. The Brewers contain a defect which could create a substantial product hazard and create an unreasonable risk of serious injury because hot water, coffee, and coffee grounds can spray out of the Brewers, posing a burn hazard to consumers.

7. Between February 2010 and November 2014, Keurig received approximately 200 incident reports of hot water, coffee, and coffee grounds spraying out of the Brewers (“Incidents”).

8. In more than 100 of these Incidents, consumers suffered burn-related injuries to their faces, hands, and bodies. Some of these injuries resulted in severe burns, including second and third-degree burns. Multiple consumers sought medical treatment for severe burns, including one consumer who was seen by a plastic surgeon. These severe burns included two reports of burns that resulted in facial scarring and three consumers who reported that Brewers sprayed them in the face with hot liquid, including one consumer who reported an eye injury. Keurig also paid two claims brought by consumers who were injured when the Brewers sprayed them with hot water, coffee, and coffee grounds.

9. On two occasions, Keurig was notified by a retailer of Incidents, including one that caused first-degree burns requiring medical attention. Each time, the retailer requested that Keurig undertake a product safety investigation and asked Keurig whether there were any potentially reportable safety concerns regarding the Brewers. Keurig did not immediately report to CPSC after learning of either of these Incidents.

10. In late June 2014, Keurig began an investigation of the Brewers. By late

August 2014, Keurig began to consider developing a splash guard to prevent consumers from being injured if Brewers expelled hot water, coffee or coffee grounds.

11. Firms may conduct a reasonably expeditious investigation, not normally exceeding 10 days, to evaluate their reporting obligations. *See* 16 CFR 1115.14(d). Keurig's investigation took more than 4 months to complete.

12. Keurig delayed filing a Full Report with the Commission under 15 U.S.C. 2064(b), until November 25, 2014.

13. Keurig and the Commission jointly announced a recall of 6.6 million Brewers on December 23, 2014.

14. Despite having information reasonably supporting the conclusion that the Brewers contained a defect and created an unreasonable risk of serious injury, Keurig did not notify the Commission immediately of such defect or risk, as required by sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. 2064(b)(3) and (4), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

15. Because the information in Keurig's possession constituted actual and presumed knowledge, Keurig knowingly violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), as the term “knowingly” is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

16. Pursuant to Section 20 of the CPSA, 15 U.S.C. 2069, Keurig is subject to civil penalties for its knowing violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

#### RESPONSE OF KEURIG

17. The signing of this Agreement does not constitute an admission by Keurig of the staff's charges in paragraphs 4 through 16, including, but not limited to, the charge that (a) the Brewers contained a defect that could create a substantial product hazard and created an unreasonable risk of serious injury; (b) the Firm failed to notify the Commission in a timely manner, in accordance with Sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. 2064(b)(3) and (4); (c) the Firm failed to furnish information required as required by sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. 2064(b)(3) and (4), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4); and (d) there was any “knowing” violation of the CPSA as that term is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

18. The Firm conducted a reasonable, expeditious, and diligent investigation about consumer complaints relating to the Brewers after personnel monitoring customer reports noticed a slightly higher rate of Incidents. Due to the

<sup>1</sup> The Commission voted (4–1) to provisionally accept the Settlement Agreement and Order regarding Keurig Green Mountain, Inc. Commissioner Kaye, Commissioner Adler, Commissioner Robinson and Commissioner Mohorovic voted to provisionally accept the Settlement Agreement and Order. Acting Chairman Buerkle voted to reject the Settlement Agreement and Order.

nature of the product, consumer report data can be difficult to evaluate, since the Brewers, like all coffeemakers, involve hot water, coffee, and steam, and necessarily include pressure-brewing to force water from the attached water tank through the K-Cup® portion pack and rapidly dispense it out of the Brewers and into a cup placed on the drip tray.

19. The voluntary recall of the Brewers, as well as the Section 15(b) reporting, by the Firm was conducted out of an abundance of caution and without the Firm having determined or concluded that the Brewers contained a defect or posed an unreasonable risk of serious injury.

20. The Firm enters into this Agreement to settle this matter without the delay and unnecessary expense of litigation.

#### AGREEMENT OF THE PARTIES

21. Under the CPSA, the Commission has jurisdiction over the matter involving the Brewers and over Keurig.

22. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by Keurig or a determination by the Commission that Keurig violated the CPSA's reporting requirements.

23. In settlement of staff's charges, and to avoid the cost, distraction, delay, uncertainty, and inconvenience of protracted litigation or other proceedings, Keurig shall pay a civil penalty in the amount of \$5.8 million (\$5,800,000) within thirty (30) calendar days after receiving service of the Commission's final Order accepting the Agreement. All payments to be made under the Agreement shall constitute debts owing to the United States and shall be made by electronic wire transfer to the United States via <http://www.pay.gov>, for allocation to, and credit against, the payment obligations of Keurig under this Agreement. Failure to make such payment by the date specified in the Commission's final Order shall constitute Default.

24. All unpaid amounts, if any, due and owing under the Agreement, shall constitute a debt due and immediately owing by Keurig to the United States, and interest shall accrue and be paid by Keurig at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b) from the date of Default, until all amounts due have been paid in full (hereinafter "Default Payment Amount" and "Default Interest Balance"). Keurig shall consent to a Consent Judgment in the amount of the Default Payment Amount and Default Interest Balance, and the United States, at its sole option, may collect the entire Default Payment

Amount and Default Interest Balance, or exercise any other rights granted by law or in equity, including, but not limited to, referring such matters for private collection, and Keurig agrees not to contest, and hereby waives and discharges, any defenses to, any collection action undertaken by the United States, or its agents or contractors, pursuant to this paragraph. Keurig shall pay the United States all reasonable costs of collection and enforcement under this paragraph, respectively, including reasonable attorney's fees and expenses.

25. After staff receives this Agreement executed on behalf of Keurig, staff shall promptly submit the Agreement to the Commission for provisional acceptance. Promptly following provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the **Federal Register**, in accordance with the procedures set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within fifteen (15) calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date the Agreement is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

26. This Agreement is conditioned upon, and subject to, the Commission's final acceptance, as set forth above, and it is subject to the provisions of 16 CFR 1118.20(h). Upon the later of: (i) the Commission's final acceptance of this Agreement and service of the accepted Agreement upon Keurig, and (ii) the date of issuance of the final Order, this Agreement shall be in full force and effect, and shall be binding upon the parties.

27. Effective upon the later of: (i) the Commission's final acceptance of the Agreement and service of the accepted Agreement upon Keurig, and (ii) the date of issuance of the final Order, for good and valuable consideration, Keurig hereby expressly and irrevocably waives and agrees not to assert any past, present, or future rights to the following, in connection with the matter described in this Agreement: (i) an administrative or judicial hearing; (ii) judicial review or other challenge or contest of the Commission's actions; (iii) a determination by the Commission of whether Keurig failed to comply with the CPSA and the underlying regulations; (iv) a statement of findings of fact and conclusions of law; and (v) any claims under the Equal Access to Justice Act.

28. Keurig shall develop, implement, and maintain a compliance program

designed to ensure compliance with the CPSA with respect to any consumer product imported, manufactured, distributed or sold by the Firm, and which shall contain the following elements:

(i) written standards, policies and procedures, including those designed to ensure that information that may relate to or impact CPSA compliance (including information obtained by quality control personnel) is conveyed effectively to personnel responsible for CPSA compliance, whether or not an injury is referenced;

(ii) a mechanism for confidential employee reporting of compliance-related questions or concerns to either a compliance officer or to another senior manager with authority to act as necessary;

(iii) effective communication of company compliance-related policies and procedures regarding the CPSA to all applicable employees through training programs or otherwise;

(iv) the Firm's senior management responsibility for, and general board oversight of, CPSA compliance; and

(v) retention of all CPSA compliance-related records for at least five (5) years, and availability of such records to staff upon request.

29. Keurig shall maintain and enforce a system of internal controls and procedures designed to ensure that, with respect to all consumer products imported, manufactured, distributed or sold by Keurig: (i) information required to be disclosed by Keurig to the Commission is recorded, processed and reported in accordance with applicable law; (ii) all reporting made to the Commission is timely, truthful, complete, accurate and in accordance with applicable law; and (iii) prompt disclosure is made to Keurig's management of any significant deficiencies or material weaknesses in the design or operation of such internal controls that are reasonably likely to affect adversely, in any material respect, Keurig's ability to record, process and report to the Commission in accordance with applicable law.

30. Upon reasonable request of staff, Keurig shall provide written documentation of its internal controls and procedures, including, but not limited to, the effective dates of the procedures and improvements thereto. Keurig shall cooperate fully and truthfully with staff and shall make available all non-privileged information and materials, and personnel deemed necessary by staff to evaluate Keurig's compliance with the terms of the Agreement.

31. The parties acknowledge and agree that the Commission may publicize the terms of the Agreement and the Order.

32. Keurig represents that the Agreement: (i) is entered into freely and voluntarily, without any degree of duress or compulsion whatsoever; (ii) has been duly authorized; and (iii) constitutes the valid and binding obligation of Keurig, enforceable against Keurig in accordance with its terms. Keurig will not directly or indirectly receive any reimbursement, indemnification, insurance-related payment, or other payment in connection with the civil penalty to be paid by Keurig pursuant to the Agreement and Order. The individuals signing the Agreement on behalf of Keurig represent and warrant that they are duly authorized by Keurig to execute the Agreement.

33. The signatories represent that they are authorized to execute this Agreement.

34. The Agreement is governed by the laws of the United States.

35. The Agreement and the Order shall apply to, and be binding upon, Keurig and each of its successors, transferees, and assigns, and a violation of the Agreement or Order may subject Keurig, and each of its successors, transferees, and assigns, to appropriate legal action.

36. The Agreement and the Order constitute the complete agreement between the parties on the subject matter contained therein.

37. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. For purposes of construction, the Agreement shall be deemed to have been drafted by both of the parties and shall not, therefore, be construed against any party, for that reason, in any subsequent dispute.

38. The Agreement may not be waived, amended, modified, or otherwise altered, except as in accordance with the provisions of 16 CFR 1118.20(h). The Agreement may be executed in counterparts.

39. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Keurig agree in writing that severing the provision

materially affects the purpose of the Agreement and the Order.

KEURIG GREEN MOUNTAIN, INC.

Dated: 2/2/17

By:

Michael J. Degnan,  
Chief Legal Officer & Corporate General  
Counsel, Keurig Green Mountain, Inc., 33  
Coffee Lane, Waterbury, VT 05676.

Dated: 2/2/17

By:

Christie Grymes Thompson,  
Kelley Drye & Warren LLP, Washington  
Harbour, Suite 400, 3050 K Street NW.,  
Washington, DC 20007, Counsel to Keurig  
Green Mountain, Inc.

U.S. CONSUMER PRODUCT SAFETY  
COMMISSION

Mary T. Boyle,  
General Counsel.

Mary B. Murphy,  
Assistant General Counsel.

Dated: January 31, 2017

By:

Daniel R. Vice,  
Trial Attorney, Division of Compliance,  
Office of the General Counsel.

**United States of America**

**Consumer Product Safety Commission**

In the Matter of: Keurig Green Mountain,  
Inc.

CPSC Docket No.: 17–C0002

## **ORDER**

Upon consideration of the Settlement Agreement entered into between Keurig Green Mountain, Inc. (“Keurig”), and the U.S. Consumer Product Safety Commission (“Commission”), and the Commission having jurisdiction over the subject matter and over Keurig, and it appearing that the Settlement Agreement and the Order are in the public interest, it is:

**ORDERED** that the Settlement Agreement be, and is, hereby, accepted; and it is

**FURTHER ORDERED** that Keurig shall comply with the terms of the Settlement Agreement and shall pay a civil penalty in the amount of five million, eight hundred thousand dollars (\$5,800,000) within thirty (30) days after service of the Commission’s final Order accepting the Settlement Agreement. The payment shall be made by electronic wire transfer to the Commission via: <http://www.pay.gov>. Upon the failure of Keurig to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Keurig at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b). If Keurig fails to make such payment or to comply in full with any other provision of the Settlement Agreement, such conduct will be

considered a violation of the Settlement Agreement and Order.

Provisionally accepted and provisional Order issued on the 16th day of February, 2017.

By order of the Commission

Todd A. Stevenson,  
Secretary, U.S. Consumer Product Safety  
Commission.

[FR Doc. 2017–03409 Filed 2–21–17; 8:45 am]

**BILLING CODE 6355–01–P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

[Docket No. EL00–95–288]

#### **San Diego Gas and Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange; Notice of Compliance Filing**

Take notice that on February 13, 2016, Merchant Energy Services, Inc. submitted its Compliance Filing to Order on Rehearing of Opinion No. 536–C.<sup>1</sup>

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public

<sup>1</sup> San Diego Gas & Elec. Co. v. Sellers of Energy & Ancillary Servs., 158 FERC ¶ 61,076 (2017) (Opinion No. 536–C).

Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on March 6, 2017.

Dated: February 15, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017–03415 Filed 2–21–17; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. TX17–2–000]

#### Tull Wind LLC; Notice of Filing

Take notice that on February 15, 2017, pursuant to section 211 of the Federal Power Act, 16 U.S.C. 824j, and Part 36 of the Federal Energy Regulatory Commission’s (Commission) Regulations, 18 CFR part 36, Tull Wind LLC submitted an application for an order directing the provision of interconnection and transmission service.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for

review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern time on March 8, 2017.

Dated: February 15, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017–03414 Filed 2–21–17; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 5000–072]

#### Ampersand Kayuta Lake Hydro, LLC; Notice of Application Accepted for Filing, Soliciting Comments, Protests and Motions To Intervene

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Proceeding:* Extension of License Term.
- b. *Project No.:* P–5000–072.
- c. *Date Filed:* January 4, 2017.
- d. *Licensee:* Ampersand Kayuta Lake Hydro, LLC.
- e. *Name and Location of Project:* Kayuta Lake Hydroelectric Project, located on the Black River in Oneida County, New York.
- f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825f.
- g. *Licensee Contact Information:* Mr. Ian Chow, Asset Manager, Ampersand Kayuta Lake Hydro, LLC, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111, Phone: (416) 643–6616.

h. *FERC Contact:* Mr. Ashish Desai, (202) 502–8370, [Ashish.Desai@ferc.gov](mailto:Ashish.Desai@ferc.gov).

i. Deadline for filing comments, motions to intervene and protests, is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, and recommendations, using the Commission’s eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–5000–072.

j. *Description of Proceeding:* The licensee, Ampersand Kayuta Lake Hydro, LLC, requests the Commission extend the term of the license, from August 31, 2024 to May 31, 2026. The licensee received a 40-year license for the project on September 12, 1984. The licensee states that in order to facilitate a basin-wide relicensing approach with several other nearby projects, it needs to extend the license term to synchronize the license expiration dates with those other projects. The licensee’s request includes letters from the U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation supporting the license extension.

k. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Commission’s Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the Docket number (P–5000–072) excluding the last three digits in the docket number field to access the notice. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1–866–208–3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502–8659.

l. Individuals desiring to be included on the Commission’s mailing list should so indicate by writing to the Secretary of the Commission.

m. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. *Filing and Service of Responsive Documents*: Any filing must (1) bear in all capital letters the title “COMMENTS”, “PROTEST”, or “MOTION TO INTERVENE” as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to the request to extend the license term. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: February 15, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03413 Filed 2-21-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP17-15-000]

#### **Dominion Cove Point LNG, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Eastern Market Access Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Session**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Eastern Market Access Project involving construction and operation of facilities by Dominion Cove Point LNG, LP (DCP) in Charles County, Maryland and Loudoun and Fairfax Counties, Virginia. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before March 17, 2017.

If you sent comments on this project to the Commission before the opening of this docket on November 15, 2016, you will need to file those comments in Docket No. CP17-15-000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

DCP provided landowners with a fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site ([www.ferc.gov](http://www.ferc.gov)).

#### **Public Participation**

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502-8258 or [efiling@ferc.gov](mailto:efiling@ferc.gov). Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site ([www.ferc.gov](http://www.ferc.gov)) under the link to *Documents and Filings*. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site ([www.ferc.gov](http://www.ferc.gov)) under the link to *Documents and Filings*. With *eFiling*, you can provide comments in a variety of formats by attaching them as a file with your submission. New *eFiling* users must first create an account by clicking on “*eRegister*.” If you are filing a comment on a particular project, please select “Comment on a Filing” as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP17-15-000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend the public scoping session its staff will conduct in the project area, scheduled as follows:

Date and time	Location
Thursday, March 2, 2017, 4:00 p.m.–8:00 p.m. ....	Hilton Garden Inn—Waldorf, 10385 O'Donnell Place, Waldorf, Maryland 20603.

The primary goal of this scoping session is to have you identify the

specific environmental issues and concerns that should be considered in

the EA to be prepared for this project. Individual verbal comments will be

taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments, in a convenient way during the timeframe allotted.

The scoping session is scheduled from 4 p.m. to 8 p.m. Eastern Time Zone. You may arrive at any time after 3:30 p.m. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival; distribution of numbers will be discontinued at 7:00 p.m. Please see appendix 1 for additional information on the session format and conduct.<sup>1</sup>

Your scoping comments will be recorded by the court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see below for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commentor.

It is important to note that verbal comments hold the same weight as written or electronically submitted comments. Although there will not be a formal presentation, Commission staff will be available throughout the comment session to answer your questions about the environmental review process. Representatives from DCP will also be present to answer project-specific questions.

### Summary of the Proposed Project

DCP proposes to provide 294 million standard cubic feet per day of natural gas firm transportation service to Washington Gas Light Company and to fuel a new power generation facility, the Mattawoman Energy Center, proposed by Mattawoman Energy, LLC. DCP's proposed project facilities are in Maryland and Virginia.

The project would consist of the following facilities:

- A new 24,370 horsepower (hp) natural gas compressor station and ancillary facilities in Charles County, Maryland;
- two new taps for customer delivery at the existing WGL Interconnect in Charles County, Maryland;

<sup>1</sup> The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at [www.ferc.gov](http://www.ferc.gov) using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

- One new 7,000 hp electric reciprocating compression unit and discharge gas cooler, replacement of three gas coolers and compression cylinders for three existing reciprocating compressors, and an increase discharge piping to 30-inches diameter at the existing Loudoun Compressor Station in Loudoun County, Virginia;

- one new meter building to enclose existing equipment at the Loudoun Metering and Regulating Station in Loudoun County, Virginia.

- Pleasant Valley Compressor Station (Fairfax County, Virginia):

- Re-wheel compressor on one existing 17,400 hp electric unit and upgrade two gas coolers at the Pleasant Valley Compressor Station in Fairfax County, Virginia.

The general location of the project facilities is shown in appendix 1.

### Land Requirements for Construction

Construction of the proposed facilities would impact 48.3 acres of land during construction, with 18.9 acres maintained for operation of the facilities. The remaining 29.4 acres would be restored and revert to former uses. Construction would occur within DCP-owned lands, or within existing, maintained DCP rights-of-way.

### The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us<sup>2</sup> to discover and address concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use and socioeconomic;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;

<sup>2</sup> "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. We will publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.<sup>3</sup> Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

### Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.<sup>4</sup> We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on

<sup>3</sup> The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

<sup>4</sup> The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

the impacts on historic properties and summarize the status of consultations under section 106.

### Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

Copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

### Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Intervenor play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the "Document-less Intervention Guide" under the "e-filing" link on the Commission's Web site. Motions to intervene are more fully described at <http://www.ferc.gov/resources/guides/how-to/intervene.asp>.

### Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC Web site at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link. Click on the eLibrary link, click on "General Search" and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP17-15-000). Be sure you

have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Finally, public sessions or site visits will be posted on the Commission's calendar located at [www.ferc.gov/EventCalendar/EventsList.aspx](http://www.ferc.gov/EventCalendar/EventsList.aspx) along with other related information.

Dated: February 15, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03412 Filed 2-21-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC17-79-000.

*Applicants:* American Transmission Company LLC, Duke-American Transmission Company, LLC, ATC Management Inc.

*Description:* Application for Authorization for Corporate Reorganization and Request for Confidential Treatment and Certain Waivers of American Transmission Company LLC, et. al.

*Filed Date:* 2/14/17.

*Accession Number:* 20170214-5214.

*Comments Due:* 5 p.m. ET 3/7/17.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG17-60-000.

*Applicants:* RE Tranquillity 8 Amarillo LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of RE Tranquillity 8 Amarillo LLC.

*Filed Date:* 2/15/17.

*Accession Number:* 20170215-5061.

*Comments Due:* 5 p.m. ET 3/8/17.

*Docket Numbers:* EG17-61-000.

*Applicants:* RE Tranquillity 8 Azul LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of RE Tranquillity 8 Azul LLC.

*Filed Date:* 2/15/17.

*Accession Number:* 20170215-5063.

*Comments Due:* 5 p.m. ET 3/8/17.

*Docket Numbers:* EG17-62-000.

*Applicants:* RE Tranquillity 8 Rojo LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of RE Tranquillity 8 Rojo LLC.

*Filed Date:* 2/15/17.

*Accession Number:* 20170215-5067.

*Comments Due:* 5 p.m. ET 3/8/17.

*Docket Numbers:* EG17-63-000.

*Applicants:* RE Tranquillity 8 Verde LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of RE Tranquillity 8 Verde LLC.

*Filed Date:* 2/15/17.

*Accession Number:* 20170215-5069.

*Comments Due:* 5 p.m. ET 3/8/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-1437-005;

ER10-2732-013; ER10-2733-013;

ER10-2734-013; ER10-2736-013;

ER10-2737-013; ER10-2741-013;

ER10-2749-013; ER10-2752-013;

ER12-2492-009; ER12-2493-009;

ER12-2494-009; ER12-2495-009;

ER12-2496-009; ER16-2455-003;

ER16-2456-003; ER16-2457-003;

ER16-2458-003; ER16-2459-003.

*Applicants:* Tampa Electric Company, Emera Energy Services Inc., Emera Energy U.S. Subsidiary No. 1, Inc, Emera Energy U.S. Subsidiary No. 2, Inc., Emera Energy Services Subsidiary No. 1 LLC, Emera Energy Services Subsidiary No. 2 LLC, Emera Energy Services Subsidiary No. 3 LLC, Emera Energy Services Subsidiary No. 4 LLC, Emera Energy Services Subsidiary No. 5 LLC, Emera Energy Services Subsidiary No. 6 LLC, Emera Energy Services Subsidiary No. 7 LLC, Emera Energy Services Subsidiary No. 8 LLC, Emera Energy Services Subsidiary No. 9 LLC, Emera Energy Services Subsidiary No. 10 LLC, Emera Energy Services Subsidiary No. 11 LLC, Emera Energy Services Subsidiary No. 12 LLC, Emera Energy Services Subsidiary No. 13 LLC, Emera Energy Services Subsidiary No. 14 LLC, Emera Energy Services Subsidiary No. 15 LLC.

*Description:* Notice of Change in Status of the Emera Entities.



*Filed Date:* 2/15/17.

*Accession Number:* 20170215–5095.

*Comments Due:* 5 p.m. ET 3/8/17.

*Docket Numbers:* ER17–259–002.

*Applicants:* Darby Power, LLC.

*Description:* Compliance filing: Darby Power, LLC Reactive Service Compliance Filing to be effective 1/30/2017.

*Filed Date:* 2/14/17.

*Accession Number:* 20170214–5174.

*Comments Due:* 5 p.m. ET 3/7/17.

*Docket Numbers:* ER17–260–002.

*Applicants:* Gavin Power, LLC.

*Description:* Compliance filing: Gavin Power, LLC Reactive Service Compliance Filing to be effective 1/30/2017.

*Filed Date:* 2/14/17.

*Accession Number:* 20170214–5179.

*Comments Due:* 5 p.m. ET 3/7/17.

*Docket Numbers:* ER17–261–002.

*Applicants:* Lawrenceburg Power, LLC.

*Description:* Compliance filing: Lawrenceburg Power, LLC Reactive Service Compliance Filing to be effective 1/30/2017.

*Filed Date:* 2/14/17.

*Accession Number:* 20170214–5185.

*Comments Due:* 5 p.m. ET 3/7/17.

*Docket Numbers:* ER17–262–002.

*Applicants:* Waterford Power, LLC.

*Description:* Compliance filing: Waterford Power, LLC Reactive Service Compliance Filing to be effective 1/30/2017.

*Filed Date:* 2/14/17.

*Accession Number:* 20170214–5190.

*Comments Due:* 5 p.m. ET 3/7/17.

*Docket Numbers:* ER17–386–001.

*Applicants:* New York Independent System Operator, Inc.

*Description:* Compliance filing: NYISO compliance: Remove emissions controls from peaking plant design to be effective 1/17/2017.

*Filed Date:* 2/15/17.

*Accession Number:* 20170215–5011.

*Comments Due:* 5 p.m. ET 3/8/17.

*Docket Numbers:* ER17–549–001.

*Applicants:* New York Independent System Operator, Inc.

*Description:* Compliance filing: NYISO compliance re: Effective date for revised fixed block unit pricing logic to be effective 2/28/2017.

*Filed Date:* 2/14/17.

*Accession Number:* 20170214–5138.

*Comments Due:* 5 p.m. ET 3/7/17.

*Docket Numbers:* ER17–884–001.

*Applicants:* Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

*Description:* Tariff Amendment: NMPC amendment filing re: Corrections to TSC formula rate template to be effective 4/1/2017.

*Filed Date:* 2/15/17.

*Accession Number:* 20170215–5018.

*Comments Due:* 5 p.m. ET 3/8/17.

*Docket Numbers:* ER17–971–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original Service Agreement No. 4629; Queue No. AB2–097 to be effective 1/23/2017.

*Filed Date:* 2/15/17.

*Accession Number:* 20170215–5017.

*Comments Due:* 5 p.m. ET 3/8/17.

*Docket Numbers:* ER17–972–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original Service Agreement No. 4622; Queue No. AB2–045 to be effective 1/26/2017.

*Filed Date:* 2/15/17.

*Accession Number:* 20170215–5038.

*Comments Due:* 5 p.m. ET 3/8/17.

*Docket Numbers:* ER17–973–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: Revisions to Attachment O Reflecting the Current ITPNT Schedule to be effective 4/16/2017.

*Filed Date:* 2/15/17.

*Accession Number:* 20170215–5084.

*Comments Due:* 5 p.m. ET 3/8/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 15, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017–03411 Filed 2–21–17; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2013–0566; FRL–9959–22–OAR]

### Release of Risk and Exposure Assessment Planning Document for the Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** The Environmental Protection Agency (EPA) is conducting a periodic review of the air quality criteria and the primary National Ambient Air Quality Standards (NAAQS) for Sulfur Oxides (SO<sub>x</sub>). On or about February 16, 2017, the EPA will make available for public review the document titled *Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides: Risk and Exposure Assessment Planning Document* (REA Planning Document). This plan presents considerations and the proposed approach for conducting quantitative analyses of sulfur dioxide (SO<sub>2</sub>) exposures and health risks in this NAAQS review. This planning document is intended to facilitate consultation with the Clean Air Scientific Advisory Committee (CASAC) and public comment on plans for such quantitative analyses.

**DATES:** Comments should be received on or before April 13, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0566, to the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the Web, Cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit



<http://www2.epa.gov/dockets/commenting-epa-dockets>. The REA Planning Document will be available primarily via the Internet at <https://www.epa.gov/naaqs/sulfur-dioxide-so2-primary-standards-planning-documents-current-review>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Nicole Hagan, Office of Air Quality Planning and Standards (Mail Code C504-06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919-541-3153; fax number: 919-541-5315; email: [hagan.nicole@epa.gov](mailto:hagan.nicole@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. What should I consider as I prepare my comments for the EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through <http://regulations.gov> or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

2. *Tips for Preparing your Comments.* When submitting comments, remember to:

- Identify the notice by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The agency may ask you to respond to specific questions or organize comments by referencing a CFR part or section number.
- Explain why you agree or disagree; suggest alternative and substitute language for your requested changes.
- Describe any assumption and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified.

**II. Information About the Document**

Two sections of the Clean Air Act (CAA) govern the establishment and revision of the NAAQS. Section 108 (42 U.S.C. 7408) directs the Administrator to identify and list certain air pollutants and then to issue air quality criteria for those pollutants. The Administrator is to list those air pollutants that in his “judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare”; “the presence of which in the ambient air results from numerous or diverse mobile or stationary sources”; and “for which . . . [the Administrator] plans to issue air quality criteria . . .” (42 U.S.C. 7408(a)(1)(A)–(C)). Air quality criteria are intended to “accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air . . .” (42 U.S.C. 7408(a)(2)). Under section 109 (42 U.S.C. 7409), the EPA establishes primary (health-based) and secondary (welfare-based) NAAQS for pollutants for which air quality criteria are issued. Section 109(d) requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria. Section 109(d)(2) requires that an independent scientific review committee “shall complete a review of the criteria . . . and the national primary and secondary ambient air quality standards . . . and shall recommend to the Administrator any new . . . standards and revisions of the existing criteria and standards as may be appropriate . . .” Since the early 1980s, this independent review function has been performed by the CASAC.

Presently, the EPA is reviewing the air quality criteria and primary NAAQS for SO<sub>x</sub>.<sup>1</sup> The EPA’s overall plan for this review is presented in the *Integrated Review Plan for the Primary NAAQS for Sulfur Dioxide* (IRP).<sup>2</sup> The REA Planning Document considers the degree to which important uncertainties identified in quantitative analyses from

previous reviews have been addressed by newly available scientific evidence, tools, or information, including those in the second draft *Integrated Science Assessment for Sulfur Oxides—Health Criteria* (ISA).<sup>3</sup> Based on these considerations, the document reaches preliminary conclusions on the extent to which updated quantitative analyses of exposures or health risks are warranted in the current review. For updated analyses that are supported, this planning document presents anticipated approaches to conducting such analyses. This document will be available on or about February 16, 2017, on the EPA’s Technology Transfer Network Web site at <https://www.epa.gov/naaqs/sulfur-dioxide-so2-primary-standards-planning-documents-current-review>.

The REA Planning Document has been made available for consultation with the CASAC at an upcoming public meeting of the CASAC. A separate **Federal Register** notice will provide details about this meeting and the process for participation. The EPA will also consider public comments on the REA Planning Document that are submitted to the docket, as described above.

Dated: February 13, 2017.

**Stephen Page,**

*Director, Office of Air Quality Planning and Standards.*

[FR Doc. 2017-03432 Filed 2-21-17; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL MARITIME COMMISSION**

**Notice of Agreements Filed**

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission’s Web site ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202) 523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 012461.

*Title:* Maersk Line/HSDG Space Charter Agreement.

*Parties:* Maersk Line A/S and Hamburg Sud.

<sup>1</sup> The indicator for the current standard is SO<sub>2</sub>.  
<sup>2</sup> The IRP (EPA-452/R-14-007, October 2014) is available at <https://www.epa.gov/naaqs/sulfur-dioxide-so2-primary-standards-planning-documents-current-review>.

<sup>3</sup> The second draft ISA was made available to both CASAC and the public in December 2016 (81 FR 89097) and is available at: <https://www.epa.gov/naaqs/sulfur-dioxide-so2-primary-standards-integrated-science-assessments-current-review>.

*Filing Party:* Wayne R. Rohde; Cozen O'Connor; 1200 19th Street NW., Washington, DC 20036.

*Synopsis:* The Agreement authorizes Maersk Line to charter space to Hamburg Sud in the trades between the U.S. on the one hand, and North Europe, Asia, Mexico and the Bahamas on the other hand.

*Agreement No.:* 012462.

*Title:* THE Alliance/CMA CGM Space Charter Agreement.

*Parties:* Hapag Lloyd; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Yang Ming Marine Transport Corp.; and CMA CGM S.A.

*Filing Party:* Joshua Stein; Cozen O'Connor; 1200 19th Street NW., Washington, DC 20036.

*Synopsis:* The Agreement authorizes members of THE Alliance to charter space in the trade between North Europe and the U.S. Pacific Coast to CMA CGM, and authorizes the Parties to enter into arrangements related to the chartering of such space.

*Agreement No.:* 012463.

*Title:* Maersk/MSK/HMM Strategic Cooperation Agreement.

*Parties:* Maersk Line A/S; MSC Mediterranean Shipping Company SA; and Hyundai Merchant Marine Co., Ltd.

*Filing Party:* Wayne Rohde; Cozen O'Connor; 1200 19th Street NW., Washington, DC 20036.

*Synopsis:* The Agreement authorizes Maersk Line and MSC to exchange slots with HMM in the trade between Asia and the U.S. West Coast. The agreement also authorizes Maersk Line and MSC to charter space to HMM in the trades between (a) Asia and the U.S. East Coast and (b) North Europe and the U.S. East Coast.

*Agreement No.:* 012464.

*Title:* NYK/CMA CGM Space Charter Agreement.

*Parties:* Nippon Yusen Kaisha and CMA CGM S.A.

*Filing Party:* Joshua Stein; Cozen O'Connor; 1200 19th Street NW., Washington, DC 20036.

*Synopsis:* The Agreement authorizes NYK to charter space to CMA CGM in the trade between the U.S. West Coast and Japan, and also authorizes the parties to enter into arrangements related to the chartering of such space.

By Order of the Federal Maritime Commission.

Dated: February 16, 2017.

**Rachel E. Dickon,**

*Assistant Secretary.*

[FR Doc. 2017-03443 Filed 2-21-17; 8:45 am]

BILLING CODE 6731-AA-P

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 6, 2017.

*A. Federal Reserve Bank of St. Louis* (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166-2034. Comments can also be sent electronically to

*Comments.applications@stls.frb.org;*

1. *Peter W. Simon and Christopher W. Simon*, both of Hardin, Illinois; collectively as a group acting in concert to acquire voting shares of BCC Bancshares, Inc., Hardin, Illinois, and thereby acquire shares of Bank of Calhoun County, Hardin, Illinois.

*B. Federal Reserve Bank of Minneapolis* (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Franklin G. Larson Revocable Trust, Franklin G. Larson trustee, Valley City, North Dakota; Mary JoAndrea Larson Revocable Trust, Mary JoAndrea Larson trustee, Valley City, North Dakota; Mary JoAndrea Larson Irrevocable Spousal Trust, Franklin G. Larson, trustee, Valley City, North Dakota; Scott M. Larson, Stillwater, Oklahoma; Wyatt Larson Irrevocable Trust, Scott Larson trustee, Stillwater, Oklahoma; Michael J. Larson, Fargo, North Dakota; Heidi J. Barranger, Zephyr Cove, Nevada; Nicholas Barranger, Fountain Hills, Arizona; Michelle Larson, Bismarck, North Dakota; Paige Larson 2015 Irrevocable Trust 1, First Lawyers Trust Company Joel Black trustee, Rapid City, South Dakota; and Annika Larson 2015 Irrevocable Trust 1, First Lawyers Trust Company Joel Black trustee, Rapid City, South Dakota;* to retain shares and thereby join the Larson Family Group, that controls through the Larson Family Stock Transfer Agreement, voting shares

of Starion Bancorporation, Bismarck, North Dakota, and thereby indirectly control Starion Bank, Bismarck, North Dakota.

*C. Federal Reserve Bank of Dallas* (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Henry W. Bethard V and Benjamin T. Bethard*, to retain voting shares of Coushatta Bancshares, Inc., Coushatta, Louisiana, and thereby retain shares of Bank of Coushatta, Coushatta, Louisiana, and to join the Bethard family group, a group acting in concert.

Board of Governors of the Federal Reserve System, February 16, 2017.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2017-03449 Filed 2-21-17; 8:45 am]

BILLING CODE 6210-01-P

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 3, 2017.

*A. Federal Reserve Bank of Chicago* (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Anton J. Zueger, Walnut, Illinois; Doris Zueger, Bronschhofen, Switzerland; Markus Fisch, Walnut, Illinois; Marlies Fisch, Walnut, Illinois; Patrick Fisch, Walnut, Illinois; Gabriella Fisch, Walnut, Illinois; and Alex Fisch, Walnut, Illinois;* as group acting in concert to acquire 10 percent or more of the common stock of Citizens Bancshares, Inc. Walnut, Illinois, and thereby indirectly control Citizens First State Bank of Walnut, Walnut, Illinois.

2. *R. Bruce Atherton, Walnut, Illinois; Patricia L. Atherton, Walnut, Illinois; Jeanne L. Atherton, Walnut, Illinois; and Shari Sterennberg, Chatsworth, Illinois;*

as a group acting in concert, to acquire voting shares of Citizens Bancshares, Inc. Walnut, Illinois, and thereby indirectly acquire shares of Citizens First State Bank of Walnut, Walnut, Illinois.

*B. Federal Reserve Bank of Minneapolis* (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Patrick Artz, Richard Kornkven, and Monte Mikkelsen, all of Bottineau, North Dakota*; to each acquire voting shares of State Bank of Bottineau Holding Company, Bottineau, North Dakota, and thereby indirectly acquire shares of State Bank of Bottineau, Bottineau, North Dakota.

Board of Governors of the Federal Reserve System, February 15, 2017.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2017-03376 Filed 2-21-17; 8:45 am]

**BILLING CODE 6210-01-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of

Governors not later than March 14, 2017.

*A. Federal Reserve Bank of Minneapolis* (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *First Interstate BancSystem, Inc.*, Billings, Montana; to acquire 100 percent of Cascade Bancorp, Inc., Bend, Oregon, and thereby acquire Bank of the Cascades, Bend, Oregon.

Board of Governors of the Federal Reserve System, February 16, 2017.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2017-03450 Filed 2-21-17; 8:45 am]

**BILLING CODE 6210-01-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 13, 2017.

*A. Federal Reserve Bank of Atlanta* (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to [Applications.Comments@atl.frb.org](mailto:Applications.Comments@atl.frb.org):

1. *Pinnacle Financial Partners, Inc.*, Nashville, Tennessee; to merge with BNC Bancorp, High Point, North Carolina, and thereby acquire Bank of North Carolina, Thomasville, North Carolina.

Board of Governors of the Federal Reserve System, February 15, 2017.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2017-03375 Filed 2-21-17; 8:45 am]

**BILLING CODE 6210-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) to review again proposed information collection project: *Pharmacy Survey on Patient Safety Culture Comparative Database*. This proposed information collection was previously published in the **Federal Register** on November 18, 2016 and allowed 60 days for public comment. AHRQ did not receive any substantive comments. The purpose of this notice is to allow an additional 30 days for public comment.

**DATES:** Comments on this notice must be received by March 24, 2017.

**ADDRESSES:** Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395-6974 (attention: AHRQ's desk officer) or by email at [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) (attention: AHRQ's desk officer).

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427-1477, or by email at [doris.lefkowitz@AHRQ.hhs.gov](mailto:doris.lefkowitz@AHRQ.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Proposed Project

*Pharmacy Survey on Patient Safety Culture Comparative Database*

In 1999, the Institute of Medicine called for health care organizations to develop a "culture of safety" such that their workforce and processes focus on improving the reliability and safety of

care for patients (IOM, 1999; To Err is Human: Building a Safer Health System). To respond to the need for tools to assess patient safety culture in health care, AHRQ developed and pilot tested the Pharmacy Survey on Patient Safety Culture with OMB approval (OMB NO. 0935–0183; Approved 08/12/2011). The survey is designed to enable pharmacies to assess staff opinions about patient and medication safety and quality-assurance issues, and includes 36 items that measure 11 dimensions of patient safety culture. AHRQ made the survey publicly available along with a Survey User's Guide and other toolkit materials in October 2012 on the AHRQ Web site.

The AHRQ Pharmacy Survey on Patient Safety Culture (Pharmacy SOPS) Comparative Database consists of data from the AHRQ Pharmacy SOPS Pharmacies in the U.S. are asked to voluntarily submit data from the survey to AHRQ, through its contractor, Westat. The Pharmacy SOPS Database is modeled after three other SOPS databases: Hospital SOPS [OMB NO. 0935–0162; Approved 05/04/2010]; Medical Office SOPS [OMB NO. 0935–0196; Approved 06/12/12]; and Nursing Home SOPS [OMB NO. 0935–0195; Approved 06/12/12] that were originally developed by AHRQ in response to requests from hospitals, medical offices, and nursing homes interested in knowing how their patient safety culture survey results compare to those of other similar health care organizations.

Rationale for the information collection. The Pharmacy SOPS survey and the Pharmacy SOPS Comparative Database will support AHRQ's goals of promoting improvements in the quality and safety of health care in pharmacy settings. The survey, toolkit materials, and comparative database results are all made publicly available on AHRQ's Web site. Technical assistance is provided by AHRQ through its contractor at no charge to pharmacies, to facilitate the use of these materials for pharmacy patient safety and quality improvement.

**Request for information collection approval:** AHRQ requests that the OMB reapprove, under the Paperwork Reduction Act of 1995, AHRQ's collection of information for the AHRQ Pharmacy SOPS Comparative Database; OMB NO. 0935–0218, last approved on June 12, 2014.

This database will:

- (1) Allow pharmacies to compare their patient safety culture survey results with those of other pharmacies,
- (2) Provide data to pharmacies to facilitate internal assessment and

learning in the patient safety improvement process, and

- (3) Provide supplemental information to help pharmacies identify their strengths and areas with potential for improvement in patient safety culture.

This study is being conducted by AHRQ through its contractor, Westat, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services; quality measure and development, and database development. 42 U.S.C. 299a(a)(1), (2), and 8.

#### Method of Collection

To achieve the goal of this project the following activities and data collections will be implemented:

(1) **Pharmacy Eligibility and Registration Form**—The point of contact (POC), often the pharmacy manager of a participating organization, completes a number of data submission steps and forms, beginning with completion of an online Eligibility and Registration Form. The purpose of this form is to collect basic demographic information about the pharmacy and initiate the registration process.

(2) **Data Use Agreement**—The purpose of the data use agreement, completed by the pharmacy POC, is to state how data submitted by pharmacies will be used and provides confidentiality assurances.

(3) **Pharmacy Site Information Form**—The purpose of this form, completed by the pharmacy POC, is to collect background characteristics of the pharmacy. This information will be used to analyze data collected with the Pharmacy SOPS survey.

(4) **Data Files Submission**—POCs upload their data file(s), using the community pharmacy or hospital pharmacy data file specifications, to ensure that users submit standardized and consistent data in the way variables are named, coded, and formatted.

The number of submissions to the database is likely to vary each year because pharmacies do not administer the survey and submit data every year. Data submission is typically handled by one POC who is either a pharmacy manager or a survey vendor who contracts with a pharmacy to collect and submit its data. POCs submit data on behalf of 3 pharmacies, on average, because many pharmacies are part of a multi-pharmacy system, or the POC is a vendor that is submitting data for multiple pharmacies.

Survey data from the AHRQ Pharmacy SOPS are used to produce three types of products: (1) A Pharmacy SOPS Comparative Database Report that is made publicly available on the AHRQ Web site (see <http://www.ahrq.gov/professionals/quality-patient-safety/patientsafetyculture/pharmacy/pharm-reports.html>), (2) Individual Pharmacy Survey Feedback Reports that are confidential, customized reports produced for each pharmacy that submits data to the database (the number of reports produced is based on the number of pharmacies submitting each year); and (3) Research data sets of individual-level and pharmacy-level de-identified data to enable researchers to conduct analyses.

Pharmacies are asked to voluntarily submit their Pharmacy SOPS survey data to the comparative database. The data are then cleaned and aggregated and used to produce a Comparative Database Report that displays averages, standard deviations, and percentile scores on the survey's 36 items and 11 patient safety culture dimensions, as well as displaying these results by pharmacy characteristics (pharmacy type, number of locations, average number of prescriptions dispensed per week, etc.) and respondent characteristics (staff position, tenure, and hours worked per week).

Data submitted by pharmacies are also used to give each pharmacy its own customized survey feedback report that presents the pharmacy's results compared to the latest comparative database results. If a pharmacy submits data more than once, its survey feedback report also presents trend data, comparing its previous and most recent data.

#### Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in the database. An estimated 100 POCs from community pharmacies and 50 POCs from hospital pharmacies, each representing an average of 3 individual pharmacies, will complete the database submission steps and forms. Completing the eligibility and registration form will take about 5 minutes. The Pharmacy Site Information Form is completed by all POCs for each of their pharmacies ( $150 \times 3 = 450$  forms in total) and is estimated to take 5 minutes to complete. Each POC will complete a data use agreement which takes 3 minutes to complete and submitting the data will take an hour on average. The total burden is estimated to be 209 hours.

Exhibit 2 shows the estimated annualized cost burden based on the

respondents' time to submit their data. The cost burden is estimated to be \$11,222 annually.

## EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents/ POCs	Number of responses per POC	Hours per response	Total burden hours
Eligibility and Registration Form .....	150	1	5/60	13
Data Use Agreement .....	150	1	3/60	8
Pharmacy Site Information Form .....	150	3	5/60	38
Data Files Submission .....	150	1	1	150
Total .....	NA	NA	NA	209

## EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents/ POCs	Total burden hours	Average hourly wage rate *	Total cost burden
Eligibility and Registration Form .....	150	13	\$53.69	\$698
Data Use Agreement .....	150	8	53.69	430
Pharmacy Site Information Form .....	150	38	53.69	2,040
Data Files Submission .....	150	150	53.69	8,054
Total .....	NA	209	NA	11,222

\* Based on the weighted average hourly wage in community pharmacies for 100 General and Operations Managers (11–1021; \$49.26) and 50 General and Operations Managers (11–1021; \$62.56) obtained from the May 2015 National Industry-Specific Occupational Employment and Wage Estimates: NAICS 446110—Pharmacies and Drug Stores (located at [http://www.bls.gov/oes/current/naics5\\_446110.htm](http://www.bls.gov/oes/current/naics5_446110.htm)) and NAICS 622000—Hospitals (located at [http://www.bls.gov/oes/current/naics3\\_622000.htm](http://www.bls.gov/oes/current/naics3_622000.htm)).

## Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection. This is a second review opportunity.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All

comments will become a matter of public record.

**Sharon B. Arnold,**  
*Acting Director.*

[FR Doc. 2017–03463 Filed 2–21–17; 8:45 am]

**BILLING CODE 4160–90–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Indian Health Service

**Request for Public Comment; 60 Day Proposed Information Collection: Mashpee Wampanoag Indian Health Service Unit Community Health Assessment**

**AGENCY:** Indian Health Service, HHS.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Indian Health Service (IHS) invites the general public to take this opportunity to comment on the new information collection Office of Management and Budget (OMB) Control Number 0917–NEW, titled, “Mashpee Wampanoag Community Health Assessment.” The purpose of this notice is to allow 60 days for public comment to be submitted directly to OMB. A copy of the draft supporting statement is

available at [www.regulations.gov](http://www.regulations.gov) (see Docket ID [IHS–2017–0001]).

**DATES:** April 24, 2017. Your comments regarding this information collection are best assured of having full effect if received within 60 days of the date of this publication.

**ADDRESSES:** Send your written comments, requests for more information on the collection, or requests to obtain a copy of the data collection instrument and instructions to Rita Gonsalves by one of the following methods:

- **Mail:** Ms. Rita Gonsalves, CEO, Mashpee Wampanoag Health Service Unit, Indian Health Service, 483B Great Neck Rd. South, Mashpee, MA 02346.
- **Phone:** 508–477–6913.
- **Email:** [Rita.Gonsalves@ihs.gov](mailto:Rita.Gonsalves@ihs.gov).
- **Fax:** 508–477–0156.

**SUPPLEMENTARY INFORMATION:** The Indian Health Service Mashpee Wampanoag Service Unit is submitting the proposed information collection to OMB for review, as required by section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995. This notice is soliciting comments from members of the public and affected agencies as required by 44 U.S.C. 3506(c)(2)(A) concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have

practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

**Title of Proposal:** Mashpee Wampanoag Indian Health Service Unit Community Health Assessment.

**Type of Information Collection Request:** Three year approval of this new information collection.

**OMB Control Number:** To be assigned.

**Need and Use of Information Collection:** The Mashpee Wampanoag Indian Health Service (IHS) Unit seeks to conduct a health assessment of the Mashpee Wampanoag Tribe. The collection of information will be used to evaluate the health care needs of the Mashpee Wampanoag Tribal community. As a healthcare organization, the Mashpee Wampanoag Health Service Unit has questions regarding a respondent's health status, behavior and social practices as well as environmental concerns. These answers will help the organization assess healthcare needs of the community and guide the implementation of programs. The Mashpee Wampanoag Health Service Unit will be able to assess the community's needs and plan our

programs accordingly to improve the health and well-being of the community.

**Status of the Proposed Information Collection:** New request.

**Form(s):** IHS Mashpee Wampanoag Community Health Assessment Questionnaire.

**Agency Form Numbers:** None.

**Members of Affected Public:** The Mashpee Wampanoag Tribal community members in the Mashpee Wampanoag Tribal service area.

**The table below provides:** Type of data collection instrument, Estimated number of respondents, Number of responses per respondent, Annual number of responses, Average burden hour per response, and Total annual burden hour(s).

Data collection instrument	Type of respondents	Number of responses per respondent	Total annual response	Average burden per response (hours)	Estimated burden hours
Community Health Assessment .....	Individuals .....	1	469	25/60	195
Total .....	.....	1	469	25/60	195

There are no direct costs to respondents to report.

Dated: February 10, 2017.

**Chris Buchanan,**

*Assistant Surgeon General, USPHS, Acting Director, Indian Health Service.*

[FR Doc. 2017-03407 Filed 2-21-17; 8:45 am]

**BILLING CODE 4160-16-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Prospective Grant of Exclusive Patent License: Development of a Gene Signature Predictive of Hepatocellular Carcinoma (HCC) Patient Response to Transcatheter Arterial Chemoembolization (TACE)

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice to 3D Medicines ("3DMed") located in Shanghai, China.

**DATES:** Only written comments and/or applications for a license which are

received by the National Cancer Institute's Technology Transfer Center on or before March 9, 2017 will be considered.

**ADDRESSES:** Requests for copies of the patent application, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Jim Knabb, Ph.D., Technology Transfer and Patent Specialist, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530 MSC 9702, Bethesda, MD 20892-9702 (for business mail), Rockville, MD 20850-9702; Telephone: (240) 276-5530; Facsimile: (240) 276-5504; Email: [jim.knabb@nih.gov](mailto:jim.knabb@nih.gov).

#### SUPPLEMENTARY INFORMATION:

##### Intellectual Property

United States Provisional Patent Application No. 62/292,789, filed February 8, 2016 entitled "Gene Signature Predictive of Hepatocellular Carcinoma Response to Transcatheter Arterial Chemoembolization" [HHS Reference No. E-101-2016/0-US-01]; PCT Patent Application PCT/US2017/016851, filed February 7, 2017 and entitled "GENE SIGNATURE PREDICTIVE OF HEPATOCELLULAR CARCINOMA RESPONSE TO TRANSCATHETER ARTERIAL CHEMOEMBOLIZATION (TACE)" [HHS Reference No. E-101-2016/0-PCT-02]; (and U.S. and foreign patent

applications claiming priority to the aforementioned applications).

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to "the Development and commercialization of the transcatheter arterial chemoembolization (TACE) gene signature as a diagnostic device predictive of TACE response in patients with hepatocellular carcinoma (HCC). The field of use may be further limited to companion diagnostic tests that are sold following Premarket Approval by the FDA or equivalent regulatory agency in foreign jurisdictions".

This technology discloses a gene expression signature that is predictive of HCC patient response to TACE. TACE therapy is a procedure whereby the tumor is targeted with both local chemotherapy and restriction of local blood supply, and is employed in the treatment of locally advanced hepatocellular carcinoma (HCC). Patient biopsies are analyzed by Next-Generation Sequencing (NGS) and expression analysis of the gene signature can be used to stratify patients for TACE therapy. Through the commercialization of this gene signature for TACE efficacy, HCC patients can be identified as candidates for TACE

therapy, or as needing alternative treatment strategies.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Patent License Agreement. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act*, 5 U.S.C. 552.

Dated: February 15, 2017.

**Richard U. Rodriguez,**

*Associate Director, Technology Transfer Center, National Cancer Institute.*

[FR Doc. 2017-03402 Filed 2-21-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Institute Board of Scientific Advisors.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting will also be videocast and can be accessed from the NIH Videocasting and Podcasting Web site (<http://videocast.nih.gov/>).

*Name of Committee:* National Cancer Institute Board of Scientific Advisors.

*Date:* March 21, 2017.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* Acting Director's Report: Ongoing and New Business; RFA and RFP Concept Reviews; and Scientific Presentations.

*Place:* National Institutes of Health, 31 Center Drive, Building 31, C-Wing, 6th Floor, Room 10, Bethesda, MD 20892.

*Contact Person:* Paulette S. Gray, Ph.D., Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Rm. 7W444, Bethesda, MD 20892, 240-276-6340, [grayp@mail.nih.gov](mailto:grayp@mail.nih.gov).

*Name of Committee:* National Cancer Institute Board of Scientific Advisors.

*Date:* March 22, 2017.

*Time:* 8:30 a.m. to 12:00 p.m.

*Agenda:* Acting Director's Report: Ongoing and New Business; RFA and RFP Concept Reviews; and Scientific Presentations.

*Place:* National Institutes of Health, 31 Center Drive, Building 31, C-Wing, 6th Floor, Room 10, Bethesda, MD 20892.

*Contact Person:* Paulette S. Gray, Ph.D., Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Rm. 7W444, Bethesda, MD 20892, 240-276-6340, [grayp@mail.nih.gov](mailto:grayp@mail.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://deainfo.nci.nih.gov/advisory/bsa/bsa.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 15, 2017.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03387 Filed 2-21-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Clinical Trials and Translation Research Advisory Committee, March 8, 2017, 8:00 a.m. to March 8, 2017, 3:00 p.m., National Institutes of Health, Building 31, C-Wing, 6th Floor, Rooms 9 and 10, 31 Center Drive, Bethesda, MD 20892 which was published in the *Federal Register* on January 11, 2017, 81 FR 3342.

This meeting notice is amended to change the meeting format and start and end times. The meeting will now be held virtually from 11:00 a.m. to 1:30 p.m. due to a change in the agenda which reduced the time required for deliberation and discussion. The meeting will still be held at the National Institutes of Health, Building 31, C-Wing, 6th Floor, Rooms 9 and 10, 31 Center Drive, Bethesda, MD 20892 and can also be accessed via NIH Videocast at <https://videocast.nih.gov>. This meeting is open to the public.

Dated: February 16, 2017.

**Melanie J. Gray-Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03448 Filed 2-21-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Second Stage P01 Review.

*Date:* March 15, 2017.



Time: 10:30 a.m. to 11:45 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ramesh Vemuri, Ph.D., Chief, Scientific Review Branch, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C-212, Bethesda, MD 20892, 301-402-7700, [rv23r@nih.gov](mailto:rv23r@nih.gov), (Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 16, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-03446 Filed 2-21-17; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

**SUMMARY:** The inventions listed below are owned by an agency of the U.S. Government and are available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

**FOR FURTHER INFORMATION CONTACT:** Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301-496-2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

#### SUPPLEMENTARY INFORMATION:

Technology descriptions follow.

Inhibition of host heme oxygenase-1 as an adjunctive treatment to improve the outcome of conventional antibiotic chemotherapy of *Mycobacterium tuberculosis* (Mtb) infection.

#### Description of Technology

This invention describes the adjunctive use of heme oxygenase-1

(HO-1) inhibitors to improve the outcome of conventional antibiotic treatment for tuberculosis. The existent standard of care requires prolonged administration of drug. Due to the long duration of treatment, methods that can more rapidly control tuberculosis in patients are clearly needed.

NIAID researchers have discovered that inhibition of host HO-1 reduces *Mycobacterium tuberculosis* (Mtb) growth *in vivo* and, more importantly, when used as an adjunct to conventional chemotherapy, results in a marked improvement in pulmonary bacterial control. In particular, it was found using a mouse model that HO-1 inhibitors enhance bacterial clearance when used in conjunction with conventional antibiotic therapy. Further, no obvious toxic side effects were found. Since this host-directed strategy does not directly target the pathogen itself, it may have an added advantage as a treatment for infections with antibiotic-resistant Mtb strains.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

#### Potential Commercial Applications:

- Therapeutic for Mtb.

#### Competitive Advantages:

- Innovative, more rapidly effective therapeutics for tuberculosis are sorely needed due to the continued importance of TB as a global infectious disease and the increasing emergence of multi-drug resistant strains.

- This invention is a host-directed therapy.

Development Stage: Pre-Clinical.

#### Inventors:

F. Alan Sher, NIAID, NIH  
Diego L. Costa, NIAID, NIH  
Bruno B. Andrade, NIAID, NIH

Publications: Costa, Diego L., et al. "Pharmacological Inhibition of Host Heme Oxygenase-1 Suppresses *Mycobacterium tuberculosis* Infection *In Vivo* by a Mechanism Dependent on T Lymphocytes." *mBio* 7.5 (2016): e01675-16.

Intellectual Property: HHS Reference No. E-174-2016/0—U.S. Patent Application No. 62/357,558, filed 07/01/2016.

Licensing Contact: James M. Robinson; [James.Robinson4@nih.gov](mailto:James.Robinson4@nih.gov); 301-761-7542.

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further evaluate HO-1 inhibitors in

treating human tuberculosis. For collaboration opportunities, please contact James M. Robinson; [James.Robinson4@nih.gov](mailto:James.Robinson4@nih.gov); 301-761-7542.

Dated: February 16, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017-03451 Filed 2-21-17; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Radiotherapy in Combination with Systemic Agents.

Date: March 20, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W234, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892-9750, 240-276-6368, [Stoicaa2@mail.nih.gov](mailto:Stoicaa2@mail.nih.gov).

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Provocative Questions 12.

Date: March 23, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities,



National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W634, Bethesda, MD 20892-9750, 240-276-5864, [jennifer.schultz@nih.gov](mailto:jennifer.schultz@nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; The Chernobyl Tissue Bank—Coordinating Center.

*Date:* May 2, 2017.

*Time:* 12:00 p.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W234, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892-9750, 240-276-6368, [Stoicaa2@mail.nih.gov](mailto:Stoicaa2@mail.nih.gov). (Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 15, 2017.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03388 Filed 2-21-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Drug Abuse Special Emphasis Panel, February 17, 2017, 12:00 p.m. to February 17, 2017, 05:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on January 25, 2017, 82 16 FR 2017-01737.

This meeting was amended to change the date and time and will now be held on March 29, 2017, from 10:30 a.m. to 12:30 p.m. The meeting is closed to the public.

Dated: February 15, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03389 Filed 2-21-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR: Psychiatric Disorders within the RDoc Framework.

*Date:* March 6, 2017.

*Time:* 2:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Julius Cinque, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435-1252, [cinquej@csr.nih.gov](mailto:cinquej@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Health Informatics Special Emphasis Panel.

*Date:* March 13, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Fairmount Hotel, 2401 M St. NW, Washington, DC 20037.

*Contact Person:* Yvonne Owens Ferguson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3139, Bethesda, MD 20892, 301-827-3689, [fergusonyo@csr.nih.gov](mailto:fergusonyo@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

*Date:* March 14-15, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301-435-2902, [gubina@csr.nih.gov](mailto:gubina@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Innovative Immunology.

*Date:* March 14, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

*Contact Person:* Andrea Keane-Myers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, Bethesda, MD 20892, 3014351221, [andrea.keane-myers@nih.gov](mailto:andrea.keane-myers@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflicts: Biobehavioral Regulation and Stress.

*Date:* March 14, 2017.

*Time:* 12:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402-4411, [tianbi@csr.nih.gov](mailto:tianbi@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Instrumentation, Environmental, and Occupational Safety.

*Date:* March 16-17, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hotel Kabuki, 1625 Post Street, San Francisco, CA 94115.

*Contact Person:* Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm 6188 MSC 7804, Bethesda, MD 20892, 301-435-1267, [belangerm@csr.nih.gov](mailto:belangerm@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Microbial Vaccines.

*Date:* March 16, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

*Contact Person:* Andrea Keane-Myers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, Bethesda, MD 20892, 301-435-1221, [andrea.keane-myers@nih.gov](mailto:andrea.keane-myers@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular Sciences.

*Date:* March 16-17, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites by Hilton Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

*Contact Person:* Margaret Chandler, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301) 435-1743, [margaret.chandler@nih.gov](mailto:margaret.chandler@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Muscle Physiology and Regeneration.

*Date:* March 17, 2017.

*Time:* 10:30 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Rajiv Kumar, Ph.D., Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301-435-1212, [kumarra@csr.nih.gov](mailto:kumarra@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Biomaterials, Delivery and Nanotechnology.

*Date:* March 22-23, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

*Contact Person:* Kee Hyang Pyon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7806, Bethesda, MD 20892, [pyonkh2@csr.nih.gov](mailto:pyonkh2@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: National Library of Medicine.

*Date:* March 22, 2017.

*Time:* 10:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Joseph G. Rudolph, Ph.D., Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301-408-9098, [josephru@csr.nih.gov](mailto:josephru@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; SPARC: Pre-Clinical Development of Existing Market-Approved Devices to Support New Market Indications.

*Date:* March 22, 2017.

*Time:* 11:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Robert C. Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301-435-3009, [elliottro@csr.nih.gov](mailto:elliottro@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Reproductive Biology.

*Date:* March 22, 2017.

*Time:* 12:30 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Hui Chen, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-1044, [chenhui@csr.nih.gov](mailto:chenhui@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

*Dated:* February 16, 2017.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03447 Filed 2-21-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel; Platform Delivery—N.A.

*Date:* March 13, 2017.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 1066, 6701 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Barbara J. Nelson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1080, Bethesda, MD 20892-4874, 301-435-0806, [nelsonbj@mail.nih.gov](mailto:nelsonbj@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative

Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

*Dated:* February 15, 2017.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03385 Filed 2-21-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Advancing Translational Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel; Collaborative Innovation Award (U01 and R21) Review Meeting.

*Date:* March 8-9, 2017.

*Time:* 8:00 a.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, DEM1, 1068, 6701 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* M. Lourdes Ponce, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center For Advancing Translational Sciences (NCATS), National Institutes Of Health 6701 Democracy Blvd., Democracy 1, Room 1073, Bethesda, MD 20892, 301-435-0810, [lourdes.ponce@nih.gov](mailto:lourdes.ponce@nih.gov).

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel; NCATS CONFERENCE GRANTS.

*Date:* March 14, 2017.

*Time:* 12:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Democracy1, Room 1037, 6701 Democracy Blvd., Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* M. Lourdes Ponce, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center For Advancing Translational Sciences (NCATS), National

Institutes Of Health, 6701 Democracy Blvd., Democracy 1, Room 1073, Bethesda, MD 20892. 301-594-9459, [lourdes.ponce@nih.gov](mailto:lourdes.ponce@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 15, 2017.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03386 Filed 2-21-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Advancing Translational Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel; Tissue Chips in Space.

*Date:* April 3, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Sheraton Tysons Hotel, The Ash Grove ABC Conference Room, 8661 Leesburg Pike, Tysons, VA 20852.

*Contact Person:* Christine A. Livingston, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1073, Bethesda, MD 20892, (301) 435-1348, [livingsc@mail.nih.gov](mailto:livingsc@mail.nih.gov).

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel; Tissue Chips and Disease Modeling.

*Date:* April 4-5, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Sheraton Tysons Hotel, The Ash Grove ABC Conference Room, 8661 Leesburg Pike, Tysons, VA 20852.

*Contact Person:* Christine A. Livingston, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1073, Bethesda, MD 20892, (301) 435-1348, [livingsc@mail.nih.gov](mailto:livingsc@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 15, 2017.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03384 Filed 2-21-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

[Docket No. USCBP-2017-0002]

#### The U.S. Customs and Border Protection User Fee Advisory Committee (UFAC)

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security (DHS).

**ACTION:** Committee management; notice of federal advisory public committee meeting.

**SUMMARY:** The U.S. Customs and Border Protection User Fee Advisory Committee (UFAC) will meet on Wednesday, March 22, 2017, in Washington, DC. The meeting will be open to the public.

**DATES:** The UFAC will meet on Wednesday, March 22, 2017, from 1:00 p.m. to 3:00 p.m. EDT. Please note that the meeting is scheduled for two hours and that the meeting may close early if the committee completes its business.

**Pre-Registration:** Meeting participants may attend either in person or via webinar after pre-registering using a method indicated below:

- For members of the public who plan to attend the meeting in person, please register either online at [https://apps.cbp.gov/te\\_reg/index.asp?w=104](https://apps.cbp.gov/te_reg/index.asp?w=104), by email to [tradeevents@dhs.gov](mailto:tradeevents@dhs.gov); or by fax to (202) 325-4290 by 5:00 p.m. EDT on March 21, 2017.
- For members of the public who plan to participate via webinar, please

register online at [https://apps.cbp.gov/te\\_reg/index.asp?w=103](https://apps.cbp.gov/te_reg/index.asp?w=103) by 5:00 p.m. EDT on March 21, 2017.

Feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered and later require cancellation, please do so in advance of the meeting by accessing one (1) of the following links: [https://apps.cbp.gov/te\\_reg/cancel.asp?w=104](https://apps.cbp.gov/te_reg/cancel.asp?w=104) to cancel an in person registration, or [https://apps.cbp.gov/te\\_reg/cancel.asp?w=103](https://apps.cbp.gov/te_reg/cancel.asp?w=103) to cancel a webinar registration.

**ADDRESSES:** The meeting will be held at U.S. International Trade Commission, 500 E Street SW., Courtroom A, Washington, DC 20436.

There will be signage posted directing visitors to the location of the conference room.

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344-1661 as soon as possible.

To facilitate public participation, we are inviting public comment on the topics to be discussed by the committee, prior to the meeting as listed in the “Agenda” section below.

Comments must be submitted in writing no later than March 15, 2017, and must be identified by Docket No. USCBP-2017-0002, and may be submitted by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Email:** [Tradeevents@dhs.gov](mailto:Tradeevents@dhs.gov). Include the docket number in the subject line of the message.

- **Fax:** (202) 325-4290.

- **Mail:** Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229.

**Instructions:** All submissions received must include the words “Department of Homeland Security” and the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided. Do not submit personal information to this docket.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and search for Docket Number USCBP-2017-0002. To submit a comment, see the link on the [Regulations.gov](http://www.Regulations.gov) Web site for “How do I

submit a comment?" located on the right hand side of the main site page.

There will be two (2) public comment periods held during the meeting on March 22, 2017. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment periods for speakers may end before the times indicated on the schedule that is posted on the CBP Web page, <http://www.cbp.gov/trade/stakeholder-engagement/user-fee-advisory-committee>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone (202) 344-1440; facsimile (202) 325-4290.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix), the Department of Homeland Security (DHS) hereby announces the meeting of the U.S. Customs and Border Protection User Fee Advisory Committee (UFAC). The UFAC is tasked with providing advice to the Secretary of Homeland Security (DHS) through the Commissioner of U.S. Customs and Border Protection (CBP) on matters related to the performance of inspections coinciding with the assessment of an agriculture, customs, or immigration user fee.

#### Agenda

1. The Financial Assessment and Options Subcommittee will review and discuss the work that has been completed so that the UFAC can deliberate upon and, if appropriate, vote on potential recommendations.
2. Public Comment Period.
3. The Process Improvements Subcommittee will review and discuss the work that has been completed so that the UFAC can deliberate upon and, if appropriate, vote on potential recommendations.
4. Public Comment Period.

Dated: February 16, 2017.

**Valarie Neuhart,**

*Acting Director, Office of Trade Relations.*

[FR Doc. 2017-03417 Filed 2-21-17; 8:45 am]

**BILLING CODE 9111-14-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLORC00000.L58840000.

PH0000.LXRSCC990000.15X.HAG 17-0076]

### Notice of Public Meeting for the Coastal Oregon Resource Advisory Council

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Coastal Oregon Resource Advisory Council (RAC) will meet as indicated below.

**DATES:** The Coastal Oregon RAC will hold a public meeting Tuesday, March 14, 2017, from 12:30 p.m. to 5:00 p.m. and Wednesday, March 15, 2017 from 8:00 a.m. to 2:00 p.m.

**ADDRESSES:** The Coastal Oregon RAC will meet at the Coos Bay District Office, 1300 Airport Lane, North Bend, Oregon 97459.

#### FOR FURTHER INFORMATION CONTACT:

Megan Harper, Public Affairs Specialist, BLM Coos Bay District Office, 1300 Airport Lane, North Bend, Oregon 97459, (541) 751-4353, or email [m1harper@blm.gov](mailto:m1harper@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1(800) 877-8339 to contact the above individual during normal business hours. The service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The Coastal Oregon RAC consists of 15 members chartered and appointed by the Secretary of the Interior. Members represent diverse perspectives such as commodity, conservation, and other general interests. They provide advice to BLM resource managers regarding management plans and proposed resource actions on public land in coastal Oregon. Tentative agenda items for the March 14 and March 15, 2017, meeting include review and recommendation of projects to fund under Title II of the Secure Rural Schools and Community Self Determination Act, as reauthorized. Any other matters that may reasonably come before the Coastal Oregon RAC may also be addressed.

There will be an opportunity for public comments on March 15, 2017 at

8:30 a.m. Unless otherwise approved by the Coastal Oregon RAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the Coastal Oregon RAC for a maximum of 5 minutes. Meeting times and the duration of the public comment period may be extended or altered when the authorized representative considers it necessary to accommodate important business and all who seek to be heard regarding matters before the Coastal Oregon RAC.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Karla D. Norris,**

*Coos Bay Assistant District Manager.*

[FR Doc. 2017-03445 Filed 2-21-17; 8:45 am]

**BILLING CODE 4310-33-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLWY910000 L16100000 XX0000]

### Notice of Public Meeting; Wyoming Resource Advisory Council

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Wyoming Resource Advisory Council (RAC) will meet as indicated below.

**DATES:** The meeting is scheduled for Wednesday, March 1, 2017, from 1 p.m. to 5 p.m.; and Thursday, March 2, 2017, from 8 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be conducted at the BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming.

#### FOR FURTHER INFORMATION CONTACT:

Kristen Lenhardt, Deputy State Director of Communications, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82009; telephone: 307-775-6015; email: [klenhardt@blm.gov](mailto:klenhardt@blm.gov).

Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS)

at 1-800-877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** This 10-member RAC advises the Secretary of the Interior on a variety of management issues associated with public land management in Wyoming. Planned agenda topics for the March meeting (see **DATES**) include discussions on invasive species and follow-up to issues raised at previous RAC meetings.

On Thursday, March 2, the meeting will begin with a public comment period at 8 a.m. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. If there are no members of the public interested in speaking, the meeting will move promptly to the next agenda item. The public may also submit written comments to the RAC by emailing [klenhard@blm.gov](mailto:klenhard@blm.gov), with the subject line "RAC Public Comment" or by submitting comments during the meeting to the Chief of Communications. Typed or written comments will be provided to RAC members as part of the meeting minutes.

**Mary Jo Rugwell,**  
State Director.

[FR Doc. 2017-03519 Filed 2-21-17; 8:45 am]

**BILLING CODE 4310-22-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNV912000 L13400000.PQ0000  
LXSS0006F0000; 12-08807; MO#  
4500103973; TAS: 14X1109]

### Notice of Public Meetings: Mojave-Southern Great Basin Resource Advisory Council, Nevada

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the Bureau of Land Management (BLM) Mojave-Southern Great Basin Resource Advisory Council (RAC) will meet as indicated below. The meeting is open to the public.

**DATES:** The RAC will meet on March 2, 2017, from 9:00 a.m. to 5:00 p.m. Members of the public will have the opportunity to make comments to the

RAC during a public comment period from 1:00 to 1:30 p.m.

**ADDRESSES:** The meeting will be held in the 9th Floor Conference Room at the North Las Vegas City Hall, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada 89030.

**FOR FURTHER INFORMATION CONTACT:** Tim Smith, District Manager, at 702-525-5000, Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The 15-member Mojave-Southern Great Basin RAC was chartered to serve in an advisory capacity concerning the planning and management of the public land resources located within Nevada. Members represent an array of stakeholder interests from within the local area and statewide. All advisory council meetings are open to the public.

Persons wishing to make comments during the public comment period of the meeting should register in person with the BLM, at the meeting location, before the meeting's public comment period. Depending on the number of persons wishing to comment, the length of comments may be limited.

Topics for discussion at this meeting will include last year's accomplishments, the election of officers, goals for this year, the Las Vegas Resource Management Plan, and existing uses of and access to the Gold Butte National Monument. Managers' reports of District Office activities will also be given. The RAC may raise other topics at the meeting. The final agenda is posted on-line at the BLM Mojave-Southern Great Basin RAC Web site at <http://bit.ly/2j8vR3Y>.

Attendees should park in the south parking area instead of the customer parking area. Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, or who wish to receive a copy of each agenda, may contact the person listed above no later than 10 days prior to the meeting.

**Stephen Clutter,**  
Chief, Office of Communications.

[FR Doc. 2017-03444 Filed 2-21-17; 8:45 am]

**BILLING CODE 4310-HC-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Robert Markman, M.D.; Decision and Order

On September 27, 2016, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration, issued an Order to Show Cause to Robert Markman, M.D. (hereinafter, Applicant), of Northridge, California. GX 1, at 1. The Show Cause Order proposed the denial of Applicant's application for a Certificate of Registration as a practitioner, on the ground that he does not hold authority to dispense controlled substances in California, the State in which he seeks registration. *Id.*

As the jurisdictional basis for the proceeding, the Show Cause Order alleged that on December 30, 2013, Applicant applied for a registration as "a practitioner in [s]chedules II-V," at a proposed registered location in Northridge, California. *Id.* As the substantive ground for the proceeding, the Show Cause Order alleged that effective on August 17, 2016, the Medical Board of California (MBC) issued an order revoking Applicant's "authority to practice medicine due to [his] conviction of a criminal offense substantially related to the qualification, functions, or duties of a physician and surgeon." *Id.* at 1-2. The Order then alleged that Applicant is "without authority to handle controlled substances in . . . California, the [S]tate in which [he is] attempting to register with the" Agency, and that as consequence, his application must be denied. *Id.*

The Show Cause Order notified Applicant of his right to request a hearing on the allegations or to submit a written statement while waiving his right to a hearing, the procedure for electing either option, and the consequence of failing to elect either option. *Id.* at 2 (citing 21 CFR 1301.43). The Show Cause Order also notified Applicant of his right to submit a corrective action plan. *Id.* at 2-3 (citing 21 U.S.C. 824(c)(2)(C)).

On October 5, 2016, a Diversion Investigator assigned to the Los Angeles Field Division personally served the Show Cause Order on Applicant. GX 3. On January 13, 2017, the Government submitted a Request for Final Agency Action (cited as RFAA) and an evidentiary record to support its proposed action. In its Request, the Government represents that Applicant "has not filed a request for a hearing or

a written statement.” Gov. Request for Final Agency Action, at 1.

Based on the record and the Government’s representation, I find that since the date on which Applicant was served with the Show Cause Order, more than 30 days have now passed and neither Applicant, nor anyone purporting to represent him, has requested a hearing or submitted a written statement while waiving his right to a hearing. Accordingly, I find that Applicant has waived his right to a hearing and his right to submit a written statement. 21 CFR 1301.43(d). I therefore issue this Decision and Order based on the record submitted by the Government. *Id.* § 1301.43(e). I make the following findings.

### Findings of Fact

On December 30, 2013, Applicant applied for a DEA Certificate of Registration, seeking authority to dispense controlled substances in schedules II through V as a practitioner. GX 2A, at 1. Applicant proposed an address in Northridge, California as his registered location, and provided the number of his California license. *Id.*

Applicant was also the holder of Physician’s and Surgeon’s certificate No. G27953 which was issued by the MBC. GX 2B, at 1, 3. However, on July 18, 2016, the MBC adopted the proposed decision of a state administrative law judge (ALJ) which found that Applicant had been “convicted of a criminal offense substantially related to the qualifications, functions, or duties of a physician and surgeon” and that “[s]uch also constituted unprofessional conduct.” *Id.* at 1, 24. The state ALJ also found that Applicant “failed to offer even minimal evidence of rehabilitation and this prevents the Board from giving any consideration to continuing his probation at this time” and that “[p]ublic protection demands that [his] medical license be revoked.” *Id.* at 24.

While the MBC’s Order was to become effective on August 17, 2016, according to the Board’s online records (of which I take official notice<sup>1</sup>), on

August 16, Applicant sought reconsideration and the MBC stayed its order to allow it “to review and consider” his petition. However, on August 26, 2016, the MBC denied Applicant’s petition and the revocation became effective at 5 p.m. that day. I therefore find that Applicant does not possess authority under the laws of California to dispense controlled substances. *See* Cal. Bus. & Prof. Code § 2051 (“The physician’s and surgeon’s certificate authorizes the holder to use drugs . . . in or upon human beings . . . in the treatment of diseases, injuries, deformities, and other physical and mental conditions”); *id.* § 2052 (“any person who . . . prescribes for any . . . deformity, disease . . . injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter . . . is guilty of a public offense”).

### Discussion

Under the Controlled Substances Act, a practitioner must be currently authorized to dispense controlled substances “under the laws of the State in which he practices” in order to obtain and maintain a practitioner’s registration. *See* 21 U.S.C. 823(f) (“[T]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.”); *see also id.* § 802(21) (defining “the term ‘practitioner’ [to] mean[ ] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice”).

Thus, with respect to a practitioner, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a registration. *See, e.g., James L. Hooper*, 76 FR 71371 (2011) (collecting cases), *pet. for rev. denied*, 481 Fed. Appx. 826 (4th Cir. 2012); *see also Frederick Marsh Blanton*, 43 FR 27616 (1978) (“State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.”); 21 U.S.C. 824(a)(3) (authorizing revocation “upon

of the date of service of this Order which shall commence on the date this Order is mailed.

a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances”).

As found above, by virtue of the MBC’s Order, Applicant currently lacks authority to handle controlled substances in California, the State in which he seeks registration, and is not entitled to be registered. Accordingly, I will order that his application be denied.

### Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b), I order that the application of Robert Markman, M.D., for a DEA Certificate of Registration as a practitioner, be, and it hereby is, denied. This Order is effective March 24, 2017.

Dated: February 14, 2017.

**Chuck Rosenberg,**  
*Acting Administrator.*

[FR Doc. 2017–03383 Filed 2–21–17; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Bureau of Justice Statistics

[OMB Number 1121–0292]

### Agency Information Collection Activities; Proposed eCollection; eComments Requested; Revision of Currently Approved Collection: 2016 Survey of Sexual Victimization (SSV)

**AGENCY:** Bureau of Justice Statistics, Department of Justice.

**ACTION:** 30-day notice.

**SUMMARY:** Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 81 FR 87957, on December 6, 2016, allowing for a 60 day comment period. No comments were received.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until March 24, 2017.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or

<sup>1</sup> I also take official notice that according to the online records of the MBC, Applicant’s medical license has not been reinstated.

In accordance with the Administrative Procedure Act (APA), an agency “may take official notice of facts at any stage in a proceeding—even in the final decision.” U.S. Dept. of Justice, *Attorney General’s Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA’s regulations, Respondent is “entitled on timely request to an opportunity to show to the contrary.” 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Respondent the opportunity to refute the facts of which I take official notice, Respondent may file a motion for reconsideration within 15 calendar days

additional information, please contact Ramona Rantala, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: [Ramona.Rantala@usdoj.gov](mailto:Ramona.Rantala@usdoj.gov); telephone: 202-307-6170). Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Survey of Sexual Victimization (formerly the Survey of Sexual Violence).

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form numbers: SSV-1, SSV-2, SSV-3, SSV-4, SSV-5, SSV-6, SSV-IA, and SSV-IJ. Sponsoring component: Department of Justice, Bureau of Justice Statistics.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local or Tribal Government. Other: Federal Government and business (privately operated correctional institutions, both for-profit and not-for-profit).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* An estimate of the total number of respondents is 1,574 adult and juvenile systems and facilities.

(This estimate assumes a response rate of 100%.) Federal and state systems for adults and juveniles (102 respondents) will take an estimated 60 minutes to complete the summary form; local and privately operated facilities (1,472 respondents) will take an estimated 30 minutes to complete the summary form; and each incident form (we estimate about 2,310 incident forms will be completed, one for each incident that was substantiated) will take about 30 minutes. The burden estimates are based on data from the prior administration of the SSV.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,993 total annual burden hours associated with this collection.

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

**Melody Braswell,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

[FR Doc. 2017-03442 Filed 2-21-17; 8:45 am]

**BILLING CODE 4410-18-P**

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 72-20; NRC-2017-0050]

#### Department of Energy; Three Mile Island 2 Independent Spent Fuel Storage Installation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application, docketing.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has docketed a license amendment application from the Department of Energy (DOE or the licensee) for amendment of Materials License No. SNM-2508, for the Three Mile Island 2 (TMI-2) independent spent fuel storage installation located at the Idaho National Laboratory in Butte County, Idaho. If granted, the amendment would update the licensee delegation of authority in the license, the technical specifications, and the final safety analysis report. These

documents currently delegate authority under the license to the Manager, DOE Idaho Operations Office. The amendment would replace that reference with the Deputy Manager, Idaho Cleanup Project in each of the documents.

**ADDRESSES:** Please refer to Docket ID NRC-2017-0050 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0050. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Jose R. Cuadrado, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0606; email: [Jose.Cuadrado@nrc.gov](mailto:Jose.Cuadrado@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

By letter dated September 8, 2016, DOE submitted to the NRC an application to amend the license, technical specifications, and the final safety analysis report, for the TMI-2 independent spent fuel storage installation located at the Idaho National Laboratory in Butte County, Idaho (ADAMS Accession No. ML16258A191). Materials License No. SNM-2508 authorizes the licensee to receive, store, and transfer canisters



containing core debris and damaged spent nuclear fuel from the TMI-2 reactor. The proposed amendment would revise the licensee delegation of authority in the license, the technical specifications, and the final safety analysis report. These documents currently delegate authority under the license to the Manager, DOE Idaho Operations Office. This amendment would replace that reference with the Deputy Manager, Idaho Cleanup Project in each of the documents.

In a letter to DOE dated December 9, 2016, the NRC notified DOE that the application was acceptable to begin a technical review (ADAMS Accession No. ML16347A192). The NRC's Office of Nuclear Materials Safety and Safeguards has docketed this application under Docket No. 72-20. If the NRC approves the amendment, the approval will be documented in an amendment to NRC Materials License No. SNM-2508. The Commission will approve the license amendment if it determines that the request complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations, and make findings consistent with the National Environmental Policy Act and part 51 of title 10 of the *Code of Federal Regulations* (10 CFR). These findings will be documented in a safety evaluation report.

## II. Opportunity To Request a Hearing

The Commission may issue either a notice of hearing or a notice of proposed action and opportunity for hearing in accordance with 10 CFR 72.46(b)(1) or, if a determination is made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected, take immediate action on the amendment in accordance with 10 CFR 72.46(b)(2), and provide notice of the action taken and an opportunity for interested persons to request a hearing on whether the action should be rescinded or modified.

Dated at Rockville, Maryland, this 14th day of February, 2017.

For the Nuclear Regulatory Commission.

**Bernard H. White, IV,**

*Acting Chief, Spent Fuel Licensing Branch,  
Division of Spent Fuel Management, Office  
of Nuclear Material Safety and Safeguards.*

[FR Doc. 2017-03436 Filed 2-21-17; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Project No. 0769; NRC-2017-0043]

### NuScale Power, LLC

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Design certification application; receipt.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) received a design certification application (DCA) from NuScale Power, LLC (NuScale), on January 6, 2017, for a Small Modular Reactor (SMR). The DCA package included a transmittal letter, dated December 31, 2016, which indicated the application would be supplemented with one topical report and four technical reports by January 10, 2017. By January 12, 2017, NuScale provided updated files that allowed for the successful completion of the NRC's electronic processing of the DCA package.

**DATES:** The application was received on January 13, 2017.

**ADDRESSES:** Please refer to Docket ID NRC-2017-0043 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0043. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "*Begin Web-based ADAMS Search*." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The entire NuScale application is available in ADAMS under Accession No. ML17013A229.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

### FOR FURTHER INFORMATION CONTACT:

Bruce Bavo!, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6715, email: [Bruce.Bavo!@nrc.gov](mailto:Bruce.Bavo!@nrc.gov).

**SUPPLEMENTARY INFORMATION:** By letter dated December 31, 2016, NuScale filed an application for a standard design certification of the NuScale SMR with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), "Licenses, Certifications, and Approvals for Nuclear Power Plants."

The NuScale SMR is a pressurized-water reactor (PWR). The design is based on the Multi-Application Small Light Water Reactor (MASLWR) developed at Oregon State University in the early 2000s. The NuScale SMR is a natural circulation light-water reactor with the reactor core and helical coil steam generator located in a common reactor vessel in a cylindrical steel containment. The NuScale power module is immersed in water in a safety related pool. The reactor pool is located below grade and is designed to hold up to twelve (12) power modules. Each NuScale SMR has a rated thermal output of 160 megawatts thermal (MWt) and electrical output of 50 megawatts electric (MWe). Each plant can hold up to 12 modules yielding a total capacity of 600 MWe.

The acceptability of the tendered application for docketing and other matters relating to the requested rulemaking pursuant to 10 CFR 52.51 for design certification, including provisions for participation of the public and other parties, will be the subject of subsequent **Federal Register** notices.

Dated at Rockville, Maryland, this 15th day of February, 2017.

For the Nuclear Regulatory Commission.

**Frank Akstulewicz,**

*Director, Division of New Reactor Licensing,  
Office of New Reactors.*

[FR Doc. 2017-03438 Filed 2-21-17; 8:45 am]

**BILLING CODE 7590-01-P**

## POSTAL SERVICE

### Revision to Mailing Standards for the Transport of Lithium Batteries

**AGENCY:** Postal Service™.

**ACTION:** Notice of prospective revision of standards; invitation to comment.

**SUMMARY:** The Postal Service is preparing to revise Publication 52, *Hazardous, Restricted, and Perishable Mail*, in various sections to provide new mailing standards for lithium batteries. Prior to making these revisions, the Postal Service believes that it is appropriate to invite comments regarding the nature and scope of the contemplated changes.

**DATES:** The Postal Service must receive written comments on or before March 24, 2017.

**ADDRESSES:** Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 4446, Washington, DC 20260–5015. If sending comments by email include the name and postal address of the commenter and send to [ProductClassification@usps.gov](mailto:ProductClassification@usps.gov), with a subject line of “ATTN: Lithium Batteries.” Faxed comments are not accepted. You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor North, Washington, DC 20260. These records are available for review Monday through Friday, 9 a.m.–4 p.m., by calling 202–268–2906.

**FOR FURTHER INFORMATION CONTACT:** Michelle Lassiter (202) 268–2914, or Kevin Gunther (202) 268–7208.

**SUPPLEMENTARY INFORMATION:**

**Overview**

Pursuant to the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®), section 601.8.2, Publication 52 provides mailing standards specific to hazardous, restricted and perishable items and

materials, including lithium batteries. As discussed in more detail below, the Postal Service is preparing to make revisions to Publication 52 in order to align its mailing standards for shipments of lithium batteries with the regulations of the applicable regulatory agencies. The Postal Service believes these changes are necessary to facilitate the movement of mailpieces containing lithium batteries in USPS networks, including contracted transportation services obtained from commercial sources.

**Pending Revisions to Publication 52**

Specifically, the Postal Service finds that it will be necessary to make revisions in order to align with the proposed changes to lithium battery transportation from the Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA), and to maintain consistency with international regulations and standards. In addition, the Postal Service intends to revise Publication 52 to align with the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) with regard to the transportation of lithium batteries by air.

**PHMSA Rulemaking**

On September 7, 2016 (81 FR 61742), PHMSA issued a notice of proposed rulemaking [Docket Number 2015–0273 (HM–215N)] titled “*Hazardous Materials: Harmonization with International Standards (RRR)*” with the intention to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups,

special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. In its proposed final rule, PHMSA relates its intent to harmonize its Hazardous Materials Regulations (HMR) with recent changes made to the International Maritime Dangerous Goods Code, the ICAO Technical Instructions, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations.

Because of concerns for the exposure to risk associated with hazardous materials in its networks, the Postal Service accepts only a fraction of the materials regulated by PHMSA. As a result, the Postal Service expects few of the revisions addressed by PHMSA in its recent proposed rulemaking to have an impact on Postal Service mailing standards. With regard to lithium batteries, the Postal Service generally accepts only those cells and batteries eligible for the PHMSA's exceptions for smaller cells and batteries under 49 CFR 173.185(c). In this notice, the Postal Service addresses only those revisions directly related to the transportation of lithium batteries, and only those expected to directly impact the movement of lithium batteries in Postal Service networks.

**PHMSA Proposed Rule**

The revisions discussed in the PHMSA proposed rule having direct effect on Postal Service networks include:

- PHMSA replaces the existing text marking requirements in 49 CFR 173.185(c)(3) with a standard lithium battery mark (shown below) for use in all transport modes, and removes the requirement in 49 CFR 173.185(c)(3) for shippers to provide an alternative document.



- PHMSA creates a new section containing a new Class 9 hazard warning label for lithium batteries. The label (shown below) consists of the existing Class 9 label with the addition of a figure in the lower half depicting a group of batteries with one broken and emitting a flame. The label is intended to appear on packages containing lithium batteries required to display hazard warning labels, and is intended to better communicate the specific hazards posed by lithium batteries.



- PHMSA amends 49 CFR 173.185(c)(2) and (c)(3)(i) to specify that outer packaging used to contain small lithium batteries must be rigid and of adequate size so the handling mark can be affixed on one side without the mark being folded. PHMSA provides a limited exception to the rigid outer packaging requirement when "the cell or battery is afforded equivalent protection by the equipment in which it is contained."

- PHMSA modifies 49 CFR 175.185 to clarify the definition of a *consignment* of hazardous materials as "one or more packages of hazardous materials accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address." PHMSA also expands the requirement in 49 CFR 173.185(c)(3) for lithium battery marks to appear on packages containing small lithium cells or batteries, or lithium cells or batteries packed with, or contained in, equipment when there are more than two packages in the consignment. PHMSA states that this requirement does not apply to a package containing button cell batteries installed in equipment (including circuit boards), or when there are not more than two packages in the consignment and the package contains no more than four lithium cells or two lithium batteries installed in the equipment.

#### ICAO Addenda

ICAO published addendum number 3 to its Technical Instructions on January 15, 2016, and addendum number 4 on February 23, 2016 (<http://www.icao.int/safety/DangerousGoods/Pages/default.aspx>). In these addenda, ICAO announced new regulations for lithium batteries in international air transportation. The ICAO revisions, with an effective date of April 1, 2016, detailed a number of new provisions including:

- The prohibition of lithium-ion (and lithium-ion polymer) batteries, shipped separately from the equipment they are intended to operate (categorized as identification number UN3480), on passenger aircraft.
- The restriction of UN3480 batteries and cells shipped via cargo aircraft to a maximum state of charge (SOC) of no more than 30 percent.
- The limitation of section II, UN3480 batteries and cells to a single package, when sent as a part of a consignment or overpack via cargo aircraft.
- The required use of an approved Cargo Aircraft Only (CAO) label on all packages of UN3480 batteries and cells transported via cargo aircraft.

#### Proposed USPS Mailing Standards

Within the next several weeks, the Postal Service intends to revise Publication 52 to align with PHMSA's proposed regulations, and to maintain consistency with international regulations and standards. As such, the Postal Service contemplates the following changes:

- The Postal Service would eliminate the current text marking option for mailpieces required to bear, or optionally permitted to bear, lithium battery markings, and limit markings to DOT-approved lithium battery handling marks only. Mailpieces restricted to surface transportation only, including those containing UN3090, lithium metal batteries shipped separately, will continue to be required to bear the current text marking in addition to a DOT-approved lithium battery handling mark. The Postal Service would also eliminate the requirement for accompanying documentation with mailings of lithium batteries.
- The Postal Service would add the new DOT class 9 hazard warning label for lithium batteries to Publication 52, Exhibit 325.1, DOT Hazardous Materials Warning Labels: PROHIBITED IN THE MAIL. Packages containing lithium batteries that are required to bear this label are prohibited in USPS networks.
- The Postal Service would align its standards with PHMSA's proposed

regulations with regard to the requirement that the outer packaging used to contain small lithium batteries be rigid and of adequate size so the handling mark can be affixed on one side without the mark being folded. The Postal Service would also permit the use of padded or poly bags when cells or batteries are afforded equivalent protection by the equipment in which they are contained, but limit this exception only to batteries meeting the USPS definition of a button cell battery in 349.11(e) of Publication 52.

- The Postal Service would take no action with regard to the requirement for lithium battery markings to appear on packages containing lithium cells or batteries, or lithium cells or batteries packed with, or contained in, equipment when there are more than two packages in the consignment. The Postal Service would continue to define a consignment in postal terms as a single parcel, making any action regarding this PHMSA regulation unnecessary.

The Postal Service also expects to revise Publication 52 to align with the April 1, 2016, final version of the ICAO regulations described above. With regard to mail classes and products using air transportation, the Postal Service contracts with both passenger airlines and commercial air cargo providers. Depending on volume, schedules, and other operational factors, the Postal Service directs mail, including packages, between various air transportation providers as necessary. At times, such decisions are made during, or subsequent to the finalization and containerization of these mailpieces. Consequently, the Postal Service has concerns for its ability to reliably separate mail eligible for transport via passenger aircraft from that exclusive to cargo aircraft. Additionally, the Postal Service has noted that a number of commercial transportation providers have adopted procedures and policies compliant with the April 1, 2016, version of the ICAO regulations. To eliminate the potential for refusal of mail containing lithium batteries tendered to its contracted air carriers, the Postal Service proposes to align its mailing standards with the ICAO regulations. With regard to this alignment, the Postal Service contemplates the following changes:

- Prohibit UN3480 lithium-ion and lithium polymer batteries in USPS air transportation.
- Revise its quantity limitations for UN3480 lithium-ion and lithium polymer batteries in surface transportation to align with those for lithium metal batteries, changing from

the previous eight cells or two batteries to an aggregate mailpiece limit of 5 pounds (while retaining its previous battery capacity limitations of 20 Wh/cell and 100 Wh/battery).

If it proceeds as planned, the Postal Service expects to provide for an implementation date approximately 60 days following notice of its adoption of these proposed revised mailing standards, and may entertain requests for limited extensions if necessary.

**Stanley F. Mires,**

*Attorney, Federal Compliance.*

[FR Doc. 2017-03397 Filed 2-21-17; 8:45 am]

**BILLING CODE 7710-12-P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

#### Extension:

Rule 32a-4, SEC File No. 270-473, OMB Control No. 3235-0530.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget ("OMB") for extension and approval.

Section 32(a)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a 31(a)(2)) ("Act") requires that the selection of a registered management investment company's or registered face-amount certificate company's (collectively, "funds") independent public accountant be submitted to shareholders for ratification or rejection. Rule 32a-4 under the Investment Company Act (17 CFR 270.32a-4) exempts a fund from this requirement if, among other things, the fund has an audit committee consisting entirely of independent directors. The rule permits continuing oversight of a fund's accounting and auditing processes by an independent audit committee in place of a shareholder vote.

Among other things, in order to rely on rule 32a-4, a fund's board of directors must adopt an audit committee charter and must preserve that charter, and any modifications to the charter, permanently in an easily accessible

place. The purpose of these conditions is to ensure that Commission staff will be able to monitor the duties and responsibilities of an audit committee of a fund relying on the rule.

Commission staff estimates that on average the board of directors takes 15 minutes to adopt the audit committee charter. Commission staff has estimated that with an average of 8 directors on the board,<sup>1</sup> total director time to adopt the charter is 2 hours. Combined with an estimated ½ hour of paralegal time to prepare the charter for board review, the staff estimates a total one-time collection of information burden of 2½ hours for each fund. Once a board adopts an audit committee charter, the charter is preserved as part of the fund's records. Commission staff estimates that there is no annual hourly burden associated with preserving the charter in accordance with this rule.<sup>2</sup>

Because virtually all existing funds have now adopted audit committee charters, the annual one-time collection of information burden associated with adopting audit committee charters is limited to the burden incurred by newly established funds. Commission staff estimates that fund sponsors establish approximately 112 new funds each year,<sup>3</sup> and that all of these funds will adopt an audit committee charter in order to rely on rule 32a-4. Thus, Commission staff estimates that the annual one-time hour burden associated with adopting an audit committee charter under rule 32a-4 is approximately 280 hours.<sup>4</sup>

When funds adopt an audit committee charter in order to rely on rule 32a-4, they also may incur one-time costs related to hiring outside counsel to prepare the charter. Commission staff estimates that those costs average approximately \$1500 per fund.<sup>5</sup> As noted above, Commission staff estimates that approximately 112 new funds each year will adopt an audit committee

charter in order to rely on rule 32a-4. Thus, Commission staff estimates that the ongoing annual cost burden associated with rule 32a-4 in the future will be approximately \$168,000.<sup>6</sup>

These estimates of average costs are made solely for the purposes of the Paperwork Reduction Act. The estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. The collections of information required by rule 32a-4 are necessary to obtain the benefits of the rule. The Commission is seeking OMB approval, because an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimates of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 15, 2017.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03424 Filed 2-21-17; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>1</sup> This estimate is based on staff experience and on discussions with a representative of an entity that surveys funds and calculates fund board statistics based on responses to its surveys.

<sup>2</sup> This estimate is based on staff experience and discussions with funds regarding the hour burden related to maintenance of the charter.

<sup>3</sup> This estimate is based on the average number of notifications of registration on Form N-8A filed from 2013-2015.

<sup>4</sup> This estimate is based on the following calculation: (2.5 burden hours for establishing charter × 112 new funds = 280 burden hours).

<sup>5</sup> Costs may vary based on the individual needs of each fund. However, based on the staff's experience and conversations with outside counsel that prepare these charters, legal fees related to the preparation and adoption of an audit committee charter usually average \$1500 or less. The Commission also understands that model audit committee charters are available, which reduces the costs associated with drafting a charter.

<sup>6</sup> This estimate is based on the following calculations: (\$1500 cost of adopting charter × 112 newly established funds = \$168,000).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80051; File No. SR-NASDAQ-2017-016]

### Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules 7014 and 7018

February 16, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 9, 2017, The NASDAQ Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to (1) amend Rule 7014(j) to modify the conditions for qualifying for the Nasdaq Growth Program; and (2) amend Rule 7018(a) to modify the volume requirements needed to qualify for a credit of \$0.0030 per share for members that add liquidity on both Nasdaq and the Nasdaq Options Market (“NOM”).

The text of the proposed rule change is available on the Exchange’s Web site at <http://nasdaq.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The purpose of the proposed rule change is to amend the Exchange’s transaction fees at Rule 7014(j) and Rule 7018(a) to make two changes.<sup>3</sup> Specifically, the Exchange proposes to (1) add another way through which members may qualify for the Nasdaq Growth Program (“Program”); and (2) lower one of the volume requirements needed to qualify for a \$0.0030 credit when adding liquidity on Nasdaq and NOM. These changes are described below.

##### Nasdaq Growth Program

Nasdaq introduced the Program in 2016.<sup>4</sup> The purpose of the Program is to provide a credit per share executed for members that meet certain growth criteria. The credit is designed to provide an incentive to members that do not qualify for other credits under Rule 7018 in excess of the Program credit to increase their participation on the Exchange. The Program provides a member a \$0.0025 per share executed credit in securities priced \$1 or more per share if the member meets certain criteria. The credit is provided in lieu of other credits provided to the member for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity under Rule 7018, if the credit under the Nasdaq Growth Program is greater than the credit attained under Rule 7018.

Rule 7014(j) currently provides two ways in which a member may qualify for the Program in a given month. First, the member may qualify for the Program by (i) adding greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs; and (ii) increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member’s Growth Baseline.<sup>5</sup>

Alternatively, the member may qualify for the Program by (i) adding greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs; and (ii) meeting the criteria set forth above (increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member’s Growth Baseline) in the preceding month, and maintaining or increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume as compared to the preceding month.

Nasdaq now proposes a third way in which a member may qualify for the Program in a given month. Specifically, the member may qualify for the Program by (i) adding greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs in three separate months; (ii) increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member’s Growth Baseline in three separate months; and (iii) maintaining or increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume compared to the growth baseline established when the member met the criteria for the third month.

The following example illustrates the application of this new provision:

- In September 2016, the firm’s shares of liquidity as a percentage of Consolidated Volume is 0.03%. This is the firm’s Growth Baseline.
- In October 2016, the firm added more than 750,000 shares a day on average through one or more of its Nasdaq Market Center MPIDs. The firm’s shares of liquidity as a percentage of Consolidated Volume rose to 0.036%, an increase of 20% over its Growth Baseline. The member qualifies for the credit, since it has met the criteria of Rule 7014(j)(i) and 7014(j)(ii)(A). The member’s Growth Baseline is updated to 0.036% (its October 2016 volume).
- In November 2016, the firm added more than 750,000 shares a day on average through one or more of its Nasdaq Market Center MPIDs. The firm’s shares of liquidity as a percentage of Consolidated Volume was 0.041%. The firm qualifies for the credit under Rule 7014(j)(ii)(B) since it met the

provided in all securities through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume will be used to establish a baseline.

<sup>3</sup> The Exchange initially filed the proposed changes on February 1, 2017 (SR-NASDAQ-2017-011). On February 9, 2017, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> See Securities Exchange Act Release No. 78977 (September 29, 2016), 81 FR 69140 (October 5, 2016) (SR-NASDAQ-2016-132).

<sup>5</sup> The Growth Baseline is defined as the member’s shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume during the last month a member qualified for the Nasdaq Growth Program under Rule 7014(j)(ii)(A) (increasing its volume by 20% versus its Growth Baseline). If a member has not yet qualified for a credit under this program, its August 2016 share of liquidity

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

criteria under Rule 7014(j)(ii)(A) in October and added volume in November as compared to October. The firm does not, however, qualify for the credit under Rule 7014(j)(ii)(A). Accordingly, its Growth Baseline remains 0.036% (its October 2016 volume).

- In December 2016, the firm added more than 750,000 shares a day on average through one or more of its Nasdaq Market Center MPIDs. The firm's shares of liquidity as a percentage of Consolidated Volume rose to 0.044%, an increase of over 20% over its Growth Baseline. The member qualifies for the credit, since it has met the criteria of Rule 7014(j)(i) and 7014(j)(ii)(A). The member's Growth Baseline is updated to 0.044% (its December 2016 volume).

- In January 2017, the firm added more than 750,000 shares a day on average through one or more of its Nasdaq Market Center MPIDs. The firm's shares of liquidity as a percentage of Consolidated Volume rose to 0.053%, an increase of over 20% over its Growth Baseline. The member qualifies for the credit, since it has met the criteria of Rule 7014(j)(i) and 7014(j)(ii)(A). The member's Growth Baseline is updated to 0.053% (its January 2017 volume).

- In February 2017, the firm added more than 750,000 shares a day on average through one or more of its Nasdaq Market Center MPIDs. The firm's shares of liquidity as a percentage of Consolidated Volume remained at 0.053%. The firm would still qualify for the credit, since it satisfied the criteria under Rule 7014(j)(i) (adding more than 750,000 shares a day on average) and Rule 7014(j)(ii)(A) (increasing its volume by 20% over its Growth Baseline) in three separate months.

- Going forward, the firm would continue to qualify for the credit, as long as it continues to satisfy, on a monthly basis, the criteria under Rule 7014(j)(i) (adding more than 750,000 shares a day on average) and Rule 7014(j)(ii)(C) (maintaining or adding volume in comparison to the Growth Baseline that was established in the third month in which the firm qualified for the Program under Rule 7014(j)(ii)(A)).

The Exchange is adding this provision to provide firms with another way of qualifying for the Program. Currently, a firm may qualify for the Program in a given month if it met the criteria of Rule 7014(j)(ii)(A) in the preceding month (increasing its volume by 20% over its Growth Baseline), and maintained or increased its volume compared to that previous month. The new provision is similar in that it allows a firm to continue to qualify for the Program if it maintains or increases its volume in a

given month. The new provision differs, however, in that the firm must have qualified for the Program pursuant to Rule 7014(j)(ii)(A) (increasing its volume by 20% over its Growth Baseline) in three separate months. Nasdaq believes that this provision provides firms with additional flexibility in qualifying for the Program, and furthers the Program's goal of incentivizing participation on the Exchange.

#### Credit for Adding Liquidity on Nasdaq and NOM

In the second change, Nasdaq proposes to amend one of the requirements in order to qualify for a credit for adding liquidity. Currently, a member will receive a credit if it meets a specified volume threshold on Nasdaq for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that add liquidity, and also meets a specified volume threshold on NOM when adding liquidity. Specifically, a member will receive a credit of \$0.0030 per share executed if the member (1) adds liquidity through one or more of its Nasdaq Market Center MPIDs during the month that, in all securities, represents at least 0.125% of Consolidated Volume during the month, and (2) adds Customer,<sup>6</sup> Professional,<sup>7</sup> Firm,<sup>8</sup> Non-NOM Market Maker<sup>9</sup> and/or Broker-Dealer<sup>10</sup> liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 1.15% or more of total industry ADV in the customer clearing range for Equity and ETF option contracts per day during the month on NOM.

Nasdaq proposes to reduce the volume threshold for providing liquidity on Nasdaq from 0.125% to 0.12%. Nasdaq notes that members will

<sup>6</sup> The term "Customer" applies to any transaction that is identified by a participant for clearing in the Customer range at The Options Clearing Corporation ("OCC") which is not for the account of broker or dealer or for the account of a "Professional," as defined in Chapter I, Section 1 of the NOM rules.

<sup>7</sup> A "Professional" is defined in Chapter I, Section 1 of the NOM rules as "any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s)."

<sup>8</sup> The term "Firm" or ("F") applies to any transaction that is identified by a Participant for clearing in the Firm range at OCC.

<sup>9</sup> The term "Non-NOM Market Maker" or ("O") is a registered market maker on another options exchange that is not a NOM Market Maker. A Non-NOM Market Maker must append the proper Non-NOM Market Maker designation to orders routed to NOM.

<sup>10</sup> The term "Broker-Dealer" or ("B") applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

continue to receive the same credit as they currently receive if they meet the volume requirements. Nasdaq believes that this change more closely aligns the volume requirement for activity on Nasdaq with the current volume requirement for activity on NOM, and with the amount of the credit itself.

The change to the volume threshold will be applied to transactions in securities of all three Tapes.<sup>11</sup> The volume threshold is therefore being amended in Rules 7018(a)(1), (2), and (3), which provide the fees and credits for execution and routing of orders in Nasdaq-listed securities, NYSE-listed securities, and securities not listed on Nasdaq or NYSE, respectively.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>12</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>13</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

#### Nasdaq Growth Program

The Exchange believes that the proposed change to the Nasdaq Growth Program is reasonable, and notes that the amount of the credits provided under the Program is unchanged.<sup>14</sup> Nasdaq believes that the proposed change is equitably allocated among members, and is not designed to permit unfair discrimination. Nasdaq notes that participation in the Program is voluntary, and that the proposed change applies to all members that otherwise qualify for the Program, *e.g.*, members that add greater than 750,000 shares a day on average during the month through one or more of its [sic] Nasdaq Market Center MPIDs.

In adopting Rule 7014(j)(ii)(C), Nasdaq is providing all members that otherwise qualify for the Program with an alternate way in which they may qualify for the Program by permitting members to either maintain or increase their volume in comparison to the last of three months in which they

<sup>11</sup> Tape C securities are those that are listed on the Exchange, Tape A securities are those that are listed on the New York Stock Exchange ("NYSE"), and Tape B securities are those that are listed on exchanges other than Nasdaq or NYSE.

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>14</sup> See Securities Exchange Act Release No. 78977 (September 29, 2016), 81 FR 69140 (October 5, 2016) (SR-NASDAQ-2016-132) (establishing the Nasdaq Growth Program and its credit structure).

previously qualified for the Program under Rule 7014(j)(ii)(A). At the same time, the purpose of the Program is to increase members' participation on the Exchange by offering a credit to members that meet the volume requirements. Nasdaq therefore believes that it is equitable and not unfairly discriminatory to only permit members to qualify for the credit in this manner if they have qualified for the credit in three separate months under Rule 7014(j)(ii)(A) (increasing their volume by 20% or more in comparison to the Growth Baseline) and maintain or increase their volume in the current month.

Nasdaq notes that, if a member qualifies for the credit under Rule 7014(j)(ii)(C), it would continue to qualify for the credit under this provision going forward, as long as it continues to meet the criteria under Rule 7014(j)(i) (adding more than 750,000 shares a day on average) and Rule 7014(j)(ii)(C) (maintaining or adding volume in comparison to the Growth Baseline that was established in the third month in which the firm qualified for the Program under Rule 7014(j)(ii)(A)). Nasdaq believes this aspect of the proposal is equitable and not unfairly discriminatory, as this way to receive an ongoing credit is open to any member that elects to meet the requirements under Rule 7014(j)(ii)(C).

In sum, Nasdaq believes that this proposed change strikes an appropriate and equitable balance by expanding the number of members that may be eligible for the Program while continuing to incentivize other members that may not currently qualify for the Program to transact greater volume in order to become eligible for the Program.

#### Credit for Adding Liquidity on Nasdaq and NOM

The Exchange believes that the proposed change to one of the volume requirements that is needed to qualify for the credit for adding liquidity on Nasdaq and NOM is reasonable, and notes that the amount of the credit provided under this provision is unchanged.<sup>15</sup> Nasdaq believes that the proposed change is equitably allocated among members, and is not designed to permit unfair discrimination. By reducing the Nasdaq volume requirement, Nasdaq is potentially expanding the number of members that may qualify for the credit. Moreover, all similarly situated members are equally

capable of qualifying for the credit if they choose to meet the new volume requirement, and the same credit will be paid to all members that meet the new and existing volume requirements.

As with other credits that the Exchange provides, this credit is designed to encourage increased activity on Nasdaq and NOM. Nasdaq believes that the proposed Nasdaq volume requirement that is needed to qualify for the credit is equitable because it is more closely aligned with the current NOM volume requirement that is also needed to qualify for the credit, and is also more closely aligned with the amount of the credit itself. Nasdaq believes that the proposed requirement for qualifying for the credit is proportionate to the amount of the credit and equitably reflects the purpose of the credit, which is to incentivize members to transact greater volume on Nasdaq and NOM.

Finally, the Exchange notes that the proposed volume threshold is consistent with other volume-based credits that the Exchange offers to members for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity. Nasdaq currently offers a variety of credits for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that add liquidity, some of which are linked to activity on NOM and some of which relate to activity on Nasdaq only, which range from \$0.0015 per share executed to \$0.00305 per share executed, and which apply progressively more stringent requirements in return for higher per share executed credits.

Here, the member would receive a \$0.0030 per share credit for adding liquidity of at least 0.12% of Consolidated Volume on Nasdaq, and adding Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 1.15% or more of total industry ADV in the customer clearing range for Equity and ETF option contracts per day during the month on NOM. In comparison, the Exchange currently offers a credit of \$0.0027 per share executed if the member added liquidity during the month representing more than 0.10% of Consolidated Volume through one or more of its Nasdaq Market Center MPIDs, and added Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Non-Penny Pilot Options of 0.40% or more of total industry ADV in the customer clearing range for Equity and ETF option contracts per day in a month on NOM.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable.

In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

With respect to the proposed change to the Nasdaq Growth Program, participation in the Program is voluntary. The proposed change will provide members with another way in which they may qualify for the Program, and will apply equally to all members who otherwise qualify for the Program and that elect to meet the requirements under Rule 7014(j)(ii)(C).

With respect to the proposed change to the volume requirement for the credit for adding liquidity on Nasdaq and NOM, the Exchange's execution services are completely voluntary and are subject to extensive competition both from other exchanges and from off-exchange venues. The new volume requirement applies equally to all members, and all similarly situated members are equally capable of qualifying for the credit if they choose to meet the new volume and current volume requirements. Moreover, the same credit will be paid to all members that qualify for the proposed and current volume requirements. Finally, the proposed change is designed to reward market-improving behavior by more closely aligning a requirement necessary to qualify for the credit with the actual credit. Thus, the Exchange does not believe that this proposed change will impose any burden on competition, but may rather promote competition.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the

<sup>15</sup> See Securities Exchange Act Release No. 79791 (January 13, 2017), 82 FR 7907 (January 23, 2017) (SR-NASDAQ-2017-002) (establishing the \$0.0030 per share credit for adding liquidity on Nasdaq and NOM).



Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>16</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASDAQ-2017-016 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NASDAQ-2017-016. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/>

[rules/sro.shtml](http://www.sec.gov/rules/sro.shtml)). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2017-016, and should be submitted on or before March 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03460 Filed 2-21-17; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-80043; File No. SR-NYSEMKT-2016-99]

**Self-Regulatory Organizations; NYSE MKT LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Amending Rule 104—Equities To Delete Subsection (g)(i)(A)(III) Prohibiting Designated Market Makers From Establishing a New High (Low) Price on the Exchange in a Security the DMM Has a Long (Short) Position During the Last Ten Minutes Prior to the Close of Trading**

February 15, 2017.

**I. Introduction**

On October 27, 2016, NYSE MKT LLC ("Exchange" or "NYSE MKT") filed with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule

19b-4 thereunder,<sup>2</sup> a proposed rule change amending Rule 104—Equities to delete subsection (g)(i)(A)(III), which prohibits Designated Market Makers ("DMMs") from establishing, during the last ten minutes of trading before the close, a new high (low) price for the day on the Exchange in a security in which the DMM has a long (short) position ("Rule 104(g)(i)(A)(III) Prohibition"). The proposed rule change was published for comment in the **Federal Register** on November 17, 2016.<sup>3</sup>

On December 20, 2016, the Commission extended to February 15, 2017, the time period in which to approve the proposal, disapprove the proposal, or institute proceedings to determine whether to approve or disapprove the proposal.<sup>4</sup> The Commission has received no comments on the proposal. This order institutes proceedings under Section 19(b)(2)(B) of the Act to determine whether to approve or disapprove the proposal.

**II. Description of the Proposal**

Currently, under Exchange Rule 104—Equities (g)(i)(A)(III), a DMM with a long (short) position in a security cannot, during the last ten minutes before the close of trading, make a purchase (sale) in that security that results in a new high (low) price on the Exchange for that day.<sup>5</sup> The Exchange proposes to remove this prohibition from its rulebook.

The Exchange asserts that, in light of developments in the equity markets and in the Exchange's own trading model, Rule 104(g)(i)(A)(III) has lost its original purpose and utility.<sup>6</sup> Specifically, the Exchange asserts that, in today's electronic marketplace, where DMMs have replaced specialists, and control of pricing decisions has moved away from market participants on the Exchange trading floor, the purpose behind the Rule 104(g)(i)(A)(III) Prohibition is no longer necessary, and eliminating the prohibition would not eliminate other existing safeguards that prevent DMMs from inappropriately influencing or manipulating the close.<sup>7</sup>

The Exchange argues that the rationale behind preventing specialists from setting the price of a security on the Exchange in the final ten minutes of

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 79283 (Nov. 10, 2016), 81 FR 81210 (Nov. 17, 2016) ("Notice").

<sup>4</sup> See Securities Exchange Act Release No. 79611 (Dec. 20, 2016), 81 FR 95205 (Dec. 27, 2016).

<sup>5</sup> See Exchange Rule 104—Equities (g)(i)(A)(III). Exchange Rule 104—Equities (g)(i)(A)(III)(2) provides two exceptions to this general prohibition.

<sup>6</sup> See Notice, 81 FR at 81211.

<sup>7</sup> See *id.* at 81211–81212.

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>17</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

trading was to prevent specialists from inappropriately influencing the price of a security at the close to advantage a specialist's proprietary position.<sup>8</sup> In today's fragmented marketplace, according to the Exchange, a new high or low price for a security on the Exchange in the last ten minutes of trading does not have a significant effect on the market price for that security, because a new high or low price on the Exchange may not be the new high or low for a security—prices may be higher or lower in away markets, where the majority of intra-day trading in NYSEMKT-listed securities takes place—and because any advantage to a DMM by establishing a new high or low on the Exchange during the last ten minutes can rapidly evaporate following trades in away markets. Because DMMs do not have the ability to direct or influence trading, or to control intra-day prices, that specialists had before the implementation of Regulation NMS, the Exchange asserts, the Rule 104(g)(i)(A)(III) Prohibition is anachronistic.<sup>9</sup>

### III. Proceedings To Determine Whether To Disapprove SR-NYSEMKT-2016-99 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act<sup>10</sup> to determine whether the proposal should be disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal, as discussed below. Institution of disapproval proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to provide additional comment on the proposal.

Pursuant to Section 19(b)(2)(B) of the Act, the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act,<sup>11</sup> which requires that the rules of an exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the

mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. In addition, Section 6(b)(5) of the Act prohibits the rules of an exchange from being designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Rule 104(g)(i)(A)(III) Prohibition was originally approved as part of the New York Stock Exchange LLC ("NYSE") pilot program called the "New Market Model"<sup>12</sup> which was subsequently incorporated into the Exchange's rulebook.<sup>13</sup> As the Commission stated when approving the NYSE proposal to conduct the New Market Model pilot, "[w]e carefully review trading rule proposals that seek to offer special advantages to market makers. Although an exchange may reward such participants for the benefits they provide to the exchange's market, such rewards must not be disproportionate to the services provided."<sup>14</sup> In 2015, when the Commission approved the NYSE's proposal to make the New Market Model permanent,<sup>15</sup> the Commission noted the Rule 104(g)(i)(A)(III) Prohibition,<sup>16</sup> among many aspects of the New Market Model, and reiterated that the pilot program had been conducted, among other reasons, to seek "further evidence that the benefits proposed for DMMs are not disproportionate to their obligations."<sup>17</sup>

Under the proposal, the Exchange seeks to eliminate the Rule 104(g)(i)(A)(III) Prohibition—an obligation imposed on DMMs—thereby altering the existing set of obligations and benefits of DMM status. Accordingly, the Commission seeks public comment on whether the Exchange's proposal would maintain an appropriate balance between the benefits and obligations of being a DMM on the Exchange and whether the

obligations of DMMs under remaining Exchange rules are reasonably designed to prevent DMMs from inappropriately influencing or manipulating the close in light of DMMs' special responsibility for closing auctions under Exchange rules.

### IV. Solicitation of Comments

The Commission requests that interested persons provide written submissions of their views, data and arguments with respect to the concerns identified above, as well as any others they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is inconsistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulation thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.<sup>18</sup>

Interested persons are invited to submit written data, views and arguments regarding whether the proposal should be disapproved by March 15, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by March 29, 2017.

Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEMKT-2016-99 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Numbers SR-NYSEMKT-2016-99. The file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

<sup>12</sup> See Securities Exchange Act Release No. 58845 (Oct. 24, 2008), 73 FR 64379 (Oct. 29, 2008) (SR-NYSE-2008-46) (approving NYSE New Market Model pilot program) ("NMM Pilot Approval Order").

<sup>13</sup> See Securities Exchange Act Release No. 59022 (Nov. 26, 2008), 73 FR 63683 (Dec. 3, 2008) (NYSEALTR-2008-10) (amending equity rules to conform to NYSE NMM pilot rules).

<sup>14</sup> See NMM Pilot Approval Order, 73 FR at 64388.

<sup>15</sup> See Securities Exchange Act Release No. 75578 (Jul. 31, 2015), 80 FR 47008 (Aug. 6, 2015) (SR-NYSE-2015-26) ("NMM Approval Order"). See also Securities Exchange Act Release No. 75952 (Sep. 18, 2015), 80 FR 57645 (Sep. 24, 2015) (SR-NYSEMKT-2015-64) (notice of filing and immediate effectiveness of proposed rule change to make permanent the rules of the New Market Model pilot).

<sup>16</sup> See NMM Approval Order, 80 FR at 47010.

<sup>17</sup> See *id.* at 47013.

<sup>18</sup> Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94-29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

<sup>8</sup> See *id.* at 81211.

<sup>9</sup> See *id.*

<sup>10</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposal that are filed with the Commission, and all written communications relating to the proposal between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of the Exchanges. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEMKT-2016-99 and should be submitted on or before March 15, 2017. Rebuttal comments should be submitted by March 29, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>19</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03398 Filed 2-21-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80055; File No. SR-BX-2017-009]

### Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase the BX Options Market Port Fees and Institute a Fee Cap at Chapter XV Section 3

February 16, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 8, 2017, NASDAQ BX, Inc. ("BX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the BX Options Market port fees and institute a fee cap at Chapter XV Section 3.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqbx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of the proposed rule change is to increase the BX Options Market port fees and institute a fee cap at Chapter XV Section 3(b).<sup>3</sup> The Exchange notes that it has not increased fees for the connectivity provided under the rule since its adoption in January 2015<sup>4</sup> notwithstanding that the costs that the Exchange incurs in offering the connectivity have increased. As described below, the Exchange is also proposing to limit the total amount that an Options Participant<sup>5</sup> may be assessed under the rule.

Under the Chapter XV Section 3(b), the Exchange assesses an Options Participant \$200 per port, per month,

per mnemonic<sup>6</sup> for Order Entry Ports,<sup>7</sup> CTI Ports,<sup>8</sup> BX Depth Ports,<sup>9</sup> BX TOP Ports,<sup>10</sup> and Order Entry DROP Ports<sup>11</sup> without a cap on how much a Participant is assessed.<sup>12</sup> The Exchange is proposing to increase the fee assessed for Order Entry Ports, CTI Ports, BX Depth Ports, BX TOP Ports, and Order Entry DROP Ports to \$650 per port, per month, per mnemonic, which is consistent with the fees assessed by The NASDAQ Stock Market for comparable connectivity.<sup>13</sup> The Exchange is also

<sup>6</sup> A "mnemonic" is a unique identifier consisting of a four character alpha code.

<sup>7</sup> The Order Entry Port Fee is a connectivity fee in connection with routing orders to the Exchange via an external order entry port. BX Options Market Participants access the Exchange's network through order entry ports. A BX Options Market Participant may have more than one order entry port.

<sup>8</sup> CTI offers real-time clearing trade updates. A real-time clearing trade update is a message that is sent to a member after an execution has occurred and contains trade details. The message containing the trade details is also simultaneously sent to The Options Clearing Corporation. The trade messages are routed to a member's connection containing certain information. The administrative and market event messages include, but are not limited to: System event messages to communicate operational-related events; options directory messages to relay basic option symbol and contract information for options traded on the Exchange; complex strategy messages to relay information for those strategies traded on the Exchange; trading action messages to inform market participants when a specific option or strategy is halted or released for trading on the Exchange; and an indicator which distinguishes electronic and non-electronically delivered orders.

<sup>9</sup> A BX Depth Port provides access to BX Depth, which is a data feed that provides quotation information for individual orders on the BX book, last sale information for trades executed on BX, and Order Imbalance Information as set forth in BX Options Rules Chapter VI, Section 8. BX Depth is the options equivalent of the BX TotalView/ITCH data feed that BX offers under BX Rule 7023 with respect to equities traded on BX. As with TotalView, members use BX Depth to "build" their view of the BX book by adding individual orders that appear on the feed, and subtracting individual orders that are executed. See Chapter VI, Section 1(a)(3)(A).

<sup>10</sup> BX TOP Port is a data feed that provides the BX Best Bid and Offer ("BBO") and last sale information for trades executed on BX. The BBO and last sale information are identical to the information that BX sends to the Options Price Regulatory Authority ("OPRA") and which OPRA disseminates via the consolidated data feed for options. BX TOP Port is the options equivalent of the BX Basic data feed offered for equities under BX Rule 7047. See Chapter VI, Section 1(a)(3)(B).

<sup>11</sup> The DROP interface provides real time information regarding orders sent to the BX Options Market and executions that occurred on the BX Options Market. The DROP interface is not a trading interface and does not accept order messages.

<sup>12</sup> The Exchange also assesses a \$500 SQF Port fee, which is assessed per port, per month. A SQF Port is a port that allows a Participant acting as options Market Maker to enter its markets into the BX Options Market. The Exchange is not proposing to amend the fees assessed for SQF Ports or apply the proposed limit on fees to SQF Port fees.

<sup>13</sup> See NASDAQ Options Rules Chapter XV, Section 3(b).

<sup>19</sup> 17 CFR 200.30-3(a)(57).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The Exchange initially filed the proposed pricing changes on February 1, 2017 (SR-BX-2017-005). On February 8, 2017, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> See Securities Exchange Act Release No. 73894 (December 19, 2014), 79 FR 78119 (December 29, 2014) (SR-BX-2014-060).

<sup>5</sup> As defined by BX Options Rules Chapter II, Section 1.

proposing to limit the amount a Participant must pay for the aforementioned connectivity provided under Chapter XV Section 3(b) to \$7,500 per month.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>14</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>15</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that increasing the fee assessed for Order Entry Ports, CTI Ports, BX Depth Ports, BX TOP Ports, and Order Entry DROP Ports to \$650 per port, per month, per mnemonic is reasonable because it is competitive with the fees of other exchanges. Specifically, The NASDAQ Stock Market assesses \$650 per port, per month, per mnemonic for comparable connectivity under Nasdaq Options Market Rules Chapter XV, Section 3(b). Moreover, the Exchange notes that it has not increased fees for the connectivity provided under the rule since it adopted the connectivity options on January 2, 2015,<sup>16</sup> notwithstanding that costs associated with offering and supporting the connectivity have increased, which include the cost of technology and infrastructure. The costs that the Exchange incurs is substantially similar to those that The NASDAQ Stock Market incurs, since both exchanges use the same hardware and support services for the ports. Thus, the Exchange has determined that \$650 per port, per month, per mnemonic is the appropriate fee that will allow it to cover its costs and realize a profit, while avoiding an overall reduction in the number of subscribers. The Exchange also believes that the proposed \$7,500 fee cap is reasonable because, taken together with the proposed fee increase, it will allow the Exchange to cover costs while reducing the impact of the fees on Options Participants that subscribe to a large number of ports. Because Options Participants generally need an increasing number of ports as provided under BX Options Market Rules Chapter XV Section 3(b) as their activity expands on the BX Options Market, the Exchange believes that without such a cap Options Participants may be

inhibited from growing their activity on the Exchange. As a general principal, the Exchange believes that greater participation on the BX Options Market by Options Participants improves market quality for all market participants. Thus, in arriving at a fee cap of \$7,500, the Exchange balanced the desire to improve market quality against the need to cover costs and make a profit.

The Exchange believes that increasing the fee assessed for Order Entry Ports, CTI Ports, BX Depth Ports, BX TOP Ports, and Order Entry DROP Ports to \$650 per port, per month, per mnemonic is an equitable allocation and is not unfairly discriminatory because the increased fee will apply to all Options Participants that have, or are seeking, the connectivity provided under the rule. As noted above, the Exchange is increasing the fees under the rule to align them with the costs associated with offering the ports as well as to allow the Exchange to realize a profit. The Exchange believes that the proposed \$7,500 fee cap is an equitable allocation and is not unfairly discriminatory because the any Options Participant that subscribes to connectivity under the rule that would otherwise exceed \$7,500 per month will have its fees capped. Although Options Participants that do not have fees under the rule in excess of \$7,500 per month will not benefit from the fee cap, the Exchange notes that any Options Participant may increase the number of ports subscribed to receive the fee cap, should their activity on the BX Options Market warrant increased subscription. Moreover, Options Participants that do not qualify for the fee cap will benefit from the greater liquidity provided by Options Participants that conduct a sufficient level of activity on the BX Options Market to require connectivity in excess of the fee cap.

The Exchange notes that it is not amending or applying a fee limitation to SQF Port Fees, which are also provided under BX Options Market Rules Chapter XV Section 3(b).<sup>17</sup> The Exchange believes that it is equitable and not unfairly discriminatory to increase the other port fees, as proposed herein, and not increase the fee assessed for SQF Port Fees because SQF Port Fees are used by BX market makers in connection with their market making activities. Unlike other Options Participants, BX market makers add value to the market through continuous quoting and a commitment of capital. The Exchange believes that not applying a limitation on fees to SQF Port Fees is

equitable and not unfairly discriminatory because the Exchange has found that maintaining the separation between SQF ports and the other ports under BX Options Market Rules Chapter XV Section 3(b) is appropriate given the different purposes for subscribing to the ports. Moreover, the Exchange does not believe that applying an independent fee limitation to SQF Port Fees is warranted at this juncture because of the limited number of SQF ports to which any single market maker subscribes.

## B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposed changes to the charges assessed for Order Entry Ports, CTI Ports, BX Depth Ports, BX TOP Ports, and Order Entry DROP Ports under BX Options Market Rules Chapter XV Section 3(b) do not impose a burden on competition because the Exchange's connectivity services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. To the extent that the changes are viewed unfavorably by Options Participants, the proposed fees increase and fee cap may result in the Exchange losing subscribership and market participation, which would likely benefit other exchanges and trading venues. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Options Participants or competing order execution venues to maintain their

<sup>14</sup> 15 U.S.C. 78f(b).

<sup>15</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>16</sup> See note 4, *supra*.

<sup>17</sup> See note 12, *supra*.

competitive standing in the financial markets.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>18</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BX-2017-009 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-BX-2017-009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BX-2017-009, and should be submitted on or before March 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>19</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03461 Filed 2-21-17; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

**Proposed Collection; Comment Request**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

*Extension:*

Form N-8B-4; SEC File No. 270-180, OMB Control No. 3235-0247.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Form N-8B-4 (17 CFR 274.14) is the form used by face-amount certificate companies to comply with the filing and disclosure requirements imposed by Section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-8(b)). Among other items, Form N-8B-4 requires disclosure of the following information

about the face-amount certificate company: Date and form of organization; controlling persons; current business and contemplated changes to the company's business; investment, borrowing, and lending policies, as well as other fundamental policies; securities issued by the company; investment adviser; depositaries; management personnel; compensation paid to directors, officers, and certain employees; and financial statements. The Commission uses the information provided in the collection of information to determine compliance with Section 8(b) of the Investment Company Act of 1940.

Form N-8B-4 and the burden of compliance have not changed since the last approval. Each registrant files Form N-8B-4 for its initial filing and does not file post-effective amendments to Form N-8B-4.<sup>1</sup> Commission staff estimates that no respondents will file Form N-8B-4 each year. There are currently only four existing face-amount certificate companies, and none have filed a Form N-8B-4 in many years. No new face-amount certificate companies have been established since the last OMB information collection approval for this form, which occurred in 2014.

Accordingly, the staff estimates that, each year, no face-amount certificate companies will file Form N-8B-4, and that the total burden for the information collection is zero hours. Although Commission staff estimates that there is no hour burden associated with Form N-8B-4, the staff is requesting a burden of one hour for administrative purposes. Estimates of the burden hours are made solely for the purposes of the PRA and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

The information provided on Form N-8B-4 is mandatory. The information provided on Form N-8B-4 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

<sup>1</sup> Pursuant to Section 30(b)(1) of the Act, each respondent keeps its registration statement current through the filing of periodic reports as required by Section 13 of the Securities Exchange Act of 1934 and the rules thereunder. Post-effective amendments are filed with the Commission on the face-amount certificate company's Form S-1. Hence, respondents only file Form N-8B-4 for their initial registration statement and not for post-effective amendments.

<sup>18</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>19</sup> 17 CFR 200.30-3(a)(12).

(b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 15, 2017.

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03393 Filed 2-21-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-259, OMB Control No. 3235-0269]

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

#### Extension:

Rule 17f-5.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit the existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17f-5 (17 CFR 270.17f-5) under the Investment Company Act of 1940 [15 U.S.C. 80a] (the "Act") governs the custody of the assets of registered management investment companies ("funds") with custodians outside the United States. Under rule 17f-5, a fund or its foreign custody manager (as delegated by the fund's board) may maintain the fund's foreign assets in the care of an eligible fund custodian under certain conditions. If the fund's board delegates to a foreign custody manager authority to place foreign assets, the fund's board must find that it is

reasonable to rely on each delegate the board selects to act as the fund's foreign custody manager. The delegate must agree to provide written reports that notify the board when the fund's assets are placed with a foreign custodian and when any material change occurs in the fund's custody arrangements. The delegate must agree to exercise reasonable care, prudence, and diligence, or to adhere to a higher standard of care. When the foreign custody manager selects an eligible foreign custodian, it must determine that the fund's assets will be subject to reasonable care if maintained with that custodian, and that the written contract that governs each custody arrangement will provide reasonable care for fund assets. The contract must contain certain specified provisions or others that provide at least equivalent care. The foreign custody manager must establish a system to monitor the performance of the contract and the appropriateness of continuing to maintain assets with the eligible foreign custodian.

The collection of information requirements in rule 17f-5 are intended to provide protection for fund assets maintained with a foreign bank custodian whose use is not authorized by statutory provisions that govern fund custody arrangements,<sup>1</sup> and that is not subject to regulation and examination by U.S. regulators. The requirement that the fund board determine that it is reasonable to rely on each delegate is intended to ensure that the board carefully considers each delegate's qualifications to perform its responsibilities. The requirement that the delegate provide written reports to the board is intended to ensure that the delegate notifies the board of important developments concerning custody arrangements so that the board may exercise effective oversight. The requirement that the delegate agree to exercise reasonable care is intended to provide assurances to the fund that the delegate will properly perform its duties.

The requirements that the foreign custody manager determine that fund assets will be subject to reasonable care with the eligible foreign custodian and under the custody contract, and that each contract contain specified provisions or equivalent provisions, are intended to ensure that the delegate has evaluated the level of care provided by the custodian, that it weighs the adequacy of contractual provisions, and that fund assets are protected by minimal contractual safeguards. The

requirement that the foreign custody manager establish a monitoring system is intended to ensure that the manager periodically reviews each custody arrangement and takes appropriate action if developing custody risks may threaten fund assets.<sup>2</sup>

Commission staff estimates that each year, approximately 97 registrants<sup>3</sup> could be required to make an average of one response per registrant under rule 17f-5, requiring approximately 2.5 hours of board of director time per response, to make the necessary findings concerning foreign custody managers. The total annual burden associated with these requirements of the rule is up to approximately 243 hours (97 registrants × 2.5 hours per registrant). The staff further estimates that during each year, approximately 15 global custodians<sup>4</sup> are required to make an average of 4 responses per custodian concerning the use of foreign custodians other than depositories. The staff estimates that each response will take approximately 270 hours, requiring approximately 1080 total hours annually per custodian (270 hours × 4 responses per custodian). The total annual burden associated with these requirements of the rule is approximately 16,200 hours (15 global custodians × 1080 hours per custodian). Therefore, the total annual burden of all collection of information requirements of rule 17f-5 is estimated to be up to 16,443 hours (243 + 16,200). The total annual cost of burden hours is estimated to be \$4,522,392 ((243 hours × \$4,144/hour for board of director's time) + (16,200 hours × \$217/hour for a trust administrator's time)).<sup>5</sup> Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the

<sup>2</sup> The staff believes that subcustodian monitoring does not involve "collection of information" within the meaning of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) ("Paperwork Reduction Act").

<sup>3</sup> This figure is an estimate of the number of new funds each year, based on data reported by funds for 2014, 2015, and 2016. In practice, not all funds will use foreign custody managers. The actual figure therefore may be smaller.

<sup>4</sup> This estimate is based on staff research.

<sup>5</sup> Based on fund industry representations, the staff estimated in 2014 that the average cost of board of director time, for the board as a whole, was \$4,000 per hour. Adjusting for inflation, the staff estimates that the current average cost of board of director time is approximately \$4,144 per hour. The \$217/hour figure for a trust administrator is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

<sup>1</sup> See section 17(f) of the Act. 15 U.S.C. 80a-17(f).

rule's permission for funds to maintain their assets in foreign custodians.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 15, 2017.

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03421 Filed 2-21-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80046; File No. SR-BX-2017-008]

### Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Implementation Date of Its Functionality Relating to Post-Only Orders and Orders With Midpoint Pegging, and Its Trade-Now Functionality

February 15, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 3, 2017, NASDAQ BX, Inc. ("BX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or

"Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the implementation date of its functionality relating to Post-Only Orders and Orders with Midpoint Pegging, and its Trade-Now functionality.

There is no rule text for this proposed rule change.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

BX is filing this proposal to extend the implementation date of its functionality relating to Post-Only Orders and Orders with Midpoint Pegging, and its Trade-Now functionality. The functionality relating to Post-Only Orders and Orders with Midpoint Pegging was approved by the SEC on November 10, 2016,<sup>3</sup> and the Trade-Now functionality was submitted on an immediately effective basis on November 8, 2016.<sup>4</sup>

Under the new Post-Only functionality, the behavior of Post-Only orders would be altered when the adjusted price of such orders lock or cross a non-displayed price on the Exchange's Book. Specifically, if the adjusted price of the Post-Only Order would lock or cross a non-displayed price on the Exchange's Book, the Post-

Only order would be posted in the same manner as a Price to Comply Order. However, the Post-Only Order would execute if (i) it is priced at \$1.00 or more, or (ii) it is priced below \$1.00 and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity.<sup>5</sup>

Additionally, if the Post-Only Order would not lock or cross a Protected Quotation but would lock or cross a Non-Displayed Order on the Exchange's Book, the Post-Only Order would be posted, ranked, and displayed at its limit price. The Post-Only Order would execute if (i) it is priced at \$1.00 or more, or (ii) it is priced below \$1.00 and the value of price improvement associated with executing against an Order on the Exchange Book equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity.<sup>6</sup>

BX also proposed to change its Midpoint Peg Post-Only Order, so that, if the Inside Bid and Inside Offer are crossed, any existing Order with Midpoint Pegging would be rejected and any new Order with Midpoint Pegging would be cancelled.<sup>7</sup>

Under BX's Trade-Now functionality, participants could enter an instruction to have a locked resting buy (sell) order execute against the locking sell (buy) order. BX proposed to offer the functionality on its OUCH, RASH, FLITE and FIX protocols. Depending on the protocol used by the participant to access the BX system, the participant could either specify that the order execute against locking interest automatically, or the participant would be required to send a Trade Now instruction to the Exchange once the order has become locked. BX proposed to offer the Trade Now instruction for all orders that may be sent to the BX book and that are not subject to other BX rules regarding the display and execution of those orders.<sup>8</sup>

BX initially proposed to implement the new Post-Only, Midpoint Pegging and Trade-Now functionality on

<sup>3</sup> See Securities Exchange Act Release No. 79290 (November 10, 2016), 81 FR 81184 (November 17, 2016) (SR-BX-2016-046) ("Post-Only Approval Order").

<sup>4</sup> See Securities Exchange Act Release No. 79281 (November 10, 2016), 81 FR 81203 (November 17, 2016) (SR-BX-2016-059).

<sup>5</sup> See Post-Only Approval Order, *supra* note 3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> See Securities Exchange Act Release No. 79281 (November 10, 2016), 81 FR 81203 (November 17, 2016) (SR-BX-2016-059).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



November 21, 2016.<sup>9</sup> However, following testing, BX has decided to delay the implementation of these new functionalities to provide additional time for systems testing. The new functionality shall be implemented no later than March 31, 2017. BX will announce the new implementation date by an Equity Trader Alert, which shall be issued prior to the implementation date.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>10</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>11</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The purpose of this proposal is to inform the SEC and market participants of the new implementation date for the Post-Only, Midpoint Pegging, and Trade Now functionalities. The functionalities themselves were previously proposed in rule filings that were submitted to the SEC, and this proposal does not change the substance of those functionalities.<sup>12</sup> BX is delaying the implementation date of these functionalities to provide for further systems testing prior to implementing these functionalities.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the purpose of this proposal is to extend the implementation date for Post-Only, Midpoint Pegging and Trade-Now functionalities so that BX may perform additional systems testing prior to implementing these functionalities.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>13</sup> and Rule 19b-4(f)(6) thereunder.<sup>14</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BX-2017-008 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-BX-2017-008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BX-2017-008 and should be submitted on or before March 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03401 Filed 2-21-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

### Extension:

Rule 19b-1, SEC File No. 270-312, OMB Control No. 3235-0354.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 19(b) of the Investment Company Act of 1940 (the "Act") (15 U.S.C. 80a-19(b)) authorizes the Commission to regulate registered

<sup>9</sup> See Equity Trader Alert #2016-291.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> BX notes that the Trade-Now functionality was submitted to the SEC as an immediately effective filing, while the Post-Only and Midpoint Pegging functionalities were the subject of an SEC approval order. See *supra* notes 3 and 4.

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>14</sup> 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

<sup>15</sup> 17 CFR 200.30-3(a)(12).

investment company (“fund”) distributions of long-term capital gains made more frequently than once every twelve months. Accordingly, rule 19b–1 under the Act (17 CFR 270.19b–1) regulates the frequency of fund distributions of capital gains. Rule 19b–1(c) states that the rule does not apply to a unit investment trust (“UIT”) if it is engaged exclusively in the business of investing in certain eligible securities (generally, fixed-income securities), provided that: (i) The capital gains distribution falls within one of five categories specified in the rule<sup>1</sup> and (ii) the distribution is accompanied by a report to the unitholder that clearly describes the distribution as a capital gains distribution (the “notice requirement”).<sup>2</sup> Rule 19b–1(e) permits a fund to apply to the Commission for permission to distribute long-term capital gains that would otherwise be prohibited by the rule if the fund did not foresee the circumstances that created the need for the distribution. The application must set forth the pertinent facts and explain the circumstances that justify the distribution.<sup>3</sup> An application that meets those requirements is deemed to be granted unless the Commission denies the request within 15 days after the Commission receives the application.

Commission staff estimates that five funds will file an application under rule 19b–1(e) each year.<sup>4</sup> The staff understands that if a fund files an application it generally uses outside counsel to prepare the application. The cost burden of using outside counsel is discussed below. The staff estimates that, on average, a fund’s investment adviser would spend approximately 4 hours to review an application, including 3.5 hours by an assistant general counsel at a cost of \$433 per hour and 0.5 hours by an administrative assistant at a cost of \$74 per hour, and the fund’s board of directors would spend an additional 1 hour at a cost of \$4,465 per hour, for a total of 5 hours.<sup>5</sup>

Thus, the staff estimates that the annual hour burden of the collection of information imposed by rule 19b–1(e) would be approximately five hours per fund, at a cost of \$6017.50.<sup>6</sup> Because the staff estimates that, each year, five funds will file an application pursuant to rule 19b–1(e), the total burden for the information collection is 40 hours at a cost of \$30,087.50.<sup>7</sup>

Commission staff estimates that there is no hour burden associated with complying with the collection of information component of rule 19b–1(c).

As noted above, Commission staff understands that funds that file an application under rule 19b–1(e) generally use outside counsel to prepare the application.<sup>8</sup> The staff estimates that, on average, outside counsel spends 10 hours preparing a rule 19b–1(e) application, including eight hours by an associate and two hours by a partner. Outside counsel billing arrangements and rates vary based on numerous factors, but the staff has estimated the average cost of outside counsel as \$400 per hour, based on information received from funds, intermediaries, and their counsel. The staff therefore estimates that the average cost of outside counsel preparation of the rule 19b–1(e) exemptive application is \$4,000.<sup>9</sup> Because the staff estimates that, each year, five funds will file an application pursuant to rule 19b–1(e), the total annual cost burden imposed by the exemptive application requirements of rule 19b–1(e) is estimated to be \$20,000.<sup>10</sup>

year and inflation (as of January 2016) and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead. The estimate for administrative assistants is from SIFMA’s Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and inflation (as of January 2016) and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead. The staff previously estimated in 2009 that the average cost of board of director time was \$4,000 per hour for the board as a whole, based on information received from funds and their counsel. Adjusting for inflation, the staff estimates that the current average cost of board of director time is approximately \$4,465.

<sup>6</sup> This estimate is based on the following calculations: \$1515.50 (3.5 hours × \$433 = \$1515.50) plus \$37 (0.5 hours × \$74 = \$37) plus \$4465 equals \$6017.50 (cost of one application).

<sup>7</sup> This estimate is based on the following calculation: \$6017.50 (cost of one application) multiplied by 5 applications = \$30,087.50 total cost.

<sup>8</sup> This understanding is based on conversations with representatives from the fund industry.

<sup>9</sup> This estimate is based on the following calculation: 10 hours multiplied by \$400 per hour equals \$4,000.

<sup>10</sup> This estimate is based on the following calculation: \$4,000 multiplied by five (funds) equals \$20,000.

The Commission staff estimates that there are approximately 2,579 UITs<sup>11</sup> that may rely on rule 19b–1(c) to make capital gains distributions. The staff estimates that, on average, these UITs rely on rule 19b–1(c) once a year to make a capital gains distribution.<sup>12</sup> In most cases, the trustee of the UIT is responsible for preparing and sending the notices that must accompany a capital gains distribution under rule 19b–1(c)(2). These notices require limited preparation, the cost of which accounts for only a small, indiscrete portion of the comprehensive fee charged by the trustee for its services to the UIT. The staff believes that as a matter of good business practice, and for tax preparation reasons, UITs would collect and distribute the capital gains information required to be sent to unitholders under rule 19b–1(c) even in the absence of the rule. The staff estimates that the cost of preparing a notice for a capital gains distribution under rule 19b–1(c)(2) is approximately \$50. There is no separate cost to mail the notices because they are mailed with the capital gains distribution. Thus, the staff estimates that the capital gains distribution notice requirement imposes an annual cost on UITs of approximately \$128,950.<sup>13</sup> The staff therefore estimates that the total cost imposed by rule 19b–1 is \$160,950 (\$128,950 plus \$20,000 (total cost associated with rule 19b–1(e)) equals \$148,950).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on

<sup>11</sup> See 2016 Investment Company Fact Book, Investment Company Institute, available at [https://www.ici.org/pdf/2016\\_factbook.pdf](https://www.ici.org/pdf/2016_factbook.pdf).

<sup>12</sup> The number of times UITs rely on the rule to make capital gains distributions depends on a wide range of factors and, thus, can vary greatly across years and UITs. UITs may distribute capital gains biannually, annually, quarterly, or at other intervals. Additionally, a number of UITs are organized as grantor trusts, and therefore do not generally make capital gains distributions under rule 19b–1(c), or may not rely on rule 19b–1(c) as they do not meet the rule’s requirements.

<sup>13</sup> This estimate is based on the following calculation: 2,579 UITs multiplied by \$50 equals \$128,950.

<sup>1</sup> 17 CFR 270.19b–1(c)(1).

<sup>2</sup> The notice requirement in rule 19b–1(c)(2) supplements the notice requirement of section 19(a) [15 U.S.C. 80a–19(a)], which requires any distribution in the nature of a dividend payment to be accompanied by a notice disclosing the source of the distribution.

<sup>3</sup> Rule 19b–1(e) also requires that the application comply with rule 0–2 [17 CFR 270.02] under the Act, which sets forth the general requirements for papers and applications filed with the Commission pursuant to the Act and rules thereunder.

<sup>4</sup> This estimate is based on the average number of applications filed with the Commission pursuant to rule 19b–1(e) in the prior three-year period.

<sup>5</sup> The estimate for assistant general counsels is from SIFMA’s Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-

respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 15, 2017.

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03423 Filed 2-21-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80044; File No. SR-NYSE-2016-71]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Amending Rule 104 To Delete Subsection (g)(i)(A)(III) Prohibiting Designated Market Makers From Establishing a New High (Low) Price on the Exchange in a Security the DMM Has a Long (Short) Position During the Last Ten Minutes Prior to the Close of Trading

February 15, 2017.

#### I. Introduction

On October 27, 2016, New York Stock Exchange LLC (“Exchange” or “NYSE”) filed with the Securities and Exchange Commission (“Commission”) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder, <sup>2</sup> a proposed rule change amending Rule 104 to delete subsection (g)(i)(A)(III), which prohibits Designated Market Makers (“DMMs”) from establishing, during the last ten minutes of trading before the close, a new high (low) price for the day on the Exchange in a security in which the DMM has a long (short) position (“Rule 104(g)(i)(A)(III) Prohibition”). The proposed rule change was published for comment in the *Federal Register* on November 17, 2016.<sup>3</sup>

On December 20, 2016, the Commission extended to February 15,

2017, the time period in which to approve the proposal, disapprove the proposal, or institute proceedings to determine whether to approve or disapprove the proposal.<sup>4</sup> The Commission has received no comments on the proposal. This order institutes proceedings under Section 19(b)(2)(B) of the Act to determine whether to approve or disapprove the proposal.

#### II. Description of the Proposal

Currently, under Exchange Rule 104(g)(i)(A)(III), a DMM with a long (short) position in a security cannot, during the last ten minutes before the close of trading, make a purchase (sale) in that security that results in a new high (low) price on the Exchange for that day.<sup>5</sup> The Exchange proposes to remove this prohibition from its rulebook.

The Exchange asserts that, in light of developments in the equity markets and in the Exchange’s own trading model, Rule 104(g)(i)(A)(III) has lost its original purpose and utility.<sup>6</sup> Specifically, the Exchange asserts that, in today’s electronic marketplace, where DMMs have replaced specialists, and control of pricing decisions has moved away from market participants on the Exchange trading floor, the purpose behind the Rule 104(g)(i)(A)(III) Prohibition is no longer necessary, and eliminating the prohibition would not eliminate other existing safeguards that prevent DMMs from inappropriately influencing or manipulating the close.<sup>7</sup>

The Exchange argues that the rationale behind preventing specialists from setting the price of a security on the Exchange in the final ten minutes of trading was to prevent specialists from inappropriately influencing the price of a security at the close to advantage a specialist’s proprietary position.<sup>8</sup> In today’s fragmented marketplace, according to the Exchange, a new high or low price for a security on the Exchange in the last ten minutes of trading does not have a significant effect on the market price for that security, because a new high or low price on the Exchange may not be the new high or low for a security—prices may be higher or lower in away markets, where the majority of intra-day trading in NYSE-listed securities takes place—and because any advantage to a DMM by establishing a new high or low on the

Exchange during the last ten minutes can rapidly evaporate following trades in away markets. Because DMMs do not have the ability to direct or influence trading, or to control intra-day prices, that specialists had before the implementation of Regulation NMS, the Exchange asserts, the Rule 104(g)(i)(A)(III) Prohibition is anachronistic.<sup>9</sup>

#### III. Proceedings To Determine Whether To Disapprove SR-NYSE-2016-71 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act <sup>10</sup> to determine whether the proposal should be disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal, as discussed below. Institution of disapproval proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to provide additional comment on the proposal.

Pursuant to Section 19(b)(2)(B) of the Act, the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change’s consistency with Section 6(b)(5) of the Act,<sup>11</sup> which requires that the rules of an exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. In addition, Section 6(b)(5) of the Act prohibits the rules of an exchange from being designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Rule 104(g)(i)(A)(III) Prohibition was originally approved as part of the NYSE pilot program called the “New Market Model.”<sup>12</sup> As the Commission stated when approving the NYSE proposal to conduct the New Market Model pilot, “[w]e carefully review trading rule proposals that seek to offer

<sup>4</sup> See Securities Exchange Act Release No. 79612 (Dec. 20, 2016), 81 FR 95205 (Dec. 27, 2016).

<sup>5</sup> See Exchange Rule 104(g)(i)(A)(III). Exchange Rule 104(g)(i)(A)(III)(2) provides two exceptions to this general prohibition.

<sup>6</sup> See Notice, 81 FR at 81223.

<sup>7</sup> See *id.* at 81222–81223.

<sup>8</sup> See *id.* at 81223.

<sup>9</sup> See *id.*

<sup>10</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> See Securities Exchange Act Release No. 58845 (Oct. 24, 2008), 73 FR 64379 (Oct. 29, 2008) (SR-NYSE-2008-46) (approving NYSE New Market Model pilot program).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 79284 (Nov. 10, 2016), 81 FR 81222 (Nov. 17, 2016) (“Notice”).

special advantages to market makers. Although an exchange may reward such participants for the benefits they provide to the exchange's market, such rewards must not be disproportionate to the services provided."<sup>13</sup> In 2015, when the Commission approved the NYSE's proposal to make the New Market Model permanent,<sup>14</sup> the Commission noted the Rule 104(g)(i)(A)(III) Prohibition,<sup>15</sup> among many aspects of the New Market Model, and reiterated that the pilot program had been conducted, among other reasons, to seek "further evidence that the benefits proposed for DMMs are not disproportionate to their obligations."<sup>16</sup>

Under the proposal, the Exchange seeks to eliminate the Rule 104(g)(i)(A)(III) Prohibition—an obligation imposed on DMMs—thereby altering the existing set of obligations and benefits of DMM status. Accordingly, the Commission seeks public comment on whether the Exchange's proposal would maintain an appropriate balance between the benefits and obligations of being a DMM on the Exchange and whether the obligations of DMMs under remaining Exchange rules are reasonably designed to prevent DMMs from inappropriately influencing or manipulating the close in light of DMMs' special responsibility for closing auctions under Exchange rules.

#### IV. Solicitation of Comments

The Commission requests that interested persons provide written submissions of their views, data and arguments with respect to the concerns identified above, as well as any others they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is inconsistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulation thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.<sup>17</sup>

Interested persons are invited to submit written data, views and arguments regarding whether the proposal should be disapproved by March 15, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by March 29, 2017.

Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2016-71 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Numbers SR-NYSE-2016-71. The file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposal that are filed with the Commission, and all written communications relating to the proposal between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of the Exchanges. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2016-71 and should be submitted on or before March 15, 2017. Rebuttal comments should be submitted by March 29, 2017.

organization. See Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03399 Filed 2-21-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80045; File No. SR-NASDAQ-2017-013]

### Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Implementation Date of Its Functionality Relating to Post-Only Orders and Orders With Midpoint PEGging, and Its Trade-Now Functionality

February 15, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 3, 2017, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the implementation date of its functionality relating to Post-Only Orders and Orders with Midpoint PEGging, and its Trade-Now functionality.

There is no rule text for this proposed rule change.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

<sup>13</sup> See *id.* at 64388.

<sup>14</sup> See Securities Exchange Act Release No. 75578 (Jul. 31, 2015), 80 FR 47008 (Aug. 6, 2015) (SR-NYSE-2015-26) ("NMM Approval Order").

<sup>15</sup> See NMM Approval Order, 80 FR at 47010.

<sup>16</sup> See *id.* at 47013.

<sup>17</sup> Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94-29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory

<sup>18</sup> 17 CFR 200.30-3(a)(57).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Nasdaq is filing this proposal to extend the implementation date of its functionality relating to Post-Only Orders and Orders with Midpoint Pegging, and its Trade-Now functionality. The functionality relating to Post-Only Orders and Orders with Midpoint Pegging was approved by the SEC on November 10, 2016,<sup>3</sup> and the Trade-Now functionality was submitted on an immediately effective basis on November 8, 2016.<sup>4</sup>

Under the new Post-Only functionality, the behavior of Post-Only orders would be altered when the adjusted price of such orders lock or cross a non-displayed price on the Exchange's Book. Specifically, if the adjusted price of the Post-Only Order would lock or cross a non-displayed price on the Exchange's Book, the Post-Only order would be posted in the same manner as a Price to Comply Order. However, the Post-Only Order would execute if (i) it is priced below \$1.00 and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Nasdaq Book and subsequently provided liquidity, or (ii) it is priced at \$1.00 or more and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds \$0.01 per share.<sup>5</sup>

Additionally, if the Post-Only Order would not lock or cross a Protected Quotation but would lock or cross a Non-Displayed Order on the Exchange's Book, the Post-Only Order would be posted, ranked, and displayed at its limit price. The Post-Only Order would execute if (i) it is priced below \$1.00 and the value of price improvement associated with executing against an Order on the Nasdaq Book equals or

exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Nasdaq Book and subsequently provided liquidity, or (ii) it is priced at \$1.00 or more and the value of price improvement associated with executing against an Order on the Nasdaq Book equals or exceeds \$0.01 per share.<sup>6</sup>

Nasdaq also proposed to change its Midpoint Peg Post-Only Order, so that, if the NBBO is crossed, any existing Midpoint Peg Post-Only Order would be cancelled and any new Midpoint Peg Post-Only Order would be rejected. Similarly, if the Inside Bid and Inside Offer are crossed, any existing Order with Midpoint Pegging would be rejected and any new Order with Midpoint Pegging would be cancelled.<sup>7</sup>

Under Nasdaq's Trade-Now functionality, participants could enter an instruction to have a locked resting buy (sell) order execute against the locking sell (buy) order. Nasdaq proposed to offer the functionality on its OUCH, RASH, FLITE and FIX protocols. Depending on the protocol used by the participant to access the Nasdaq system, the participant could either specify that the order execute against locking interest automatically, or the participant would be required to send a Trade Now instruction to the Exchange once the order has become locked. Nasdaq proposed to offer the Trade Now instruction for all orders that may be sent to the continuous Nasdaq book, and did not offer the instruction for orders that do not execute on the continuous book.<sup>8</sup>

Nasdaq initially proposed to implement the new Post-Only, Midpoint Pegging and Trade-Now functionality on November 21, 2016.<sup>9</sup> However, following testing, Nasdaq has decided to delay the implementation of these new functionalities to provide additional time for systems testing. The new functionality shall be implemented no later than March 31, 2017. Nasdaq will announce the new implementation date by an Equity Trader Alert, which shall be issued prior to the implementation date.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>10</sup> in general, and furthers the

objectives of Section 6(b)(5) of the Act,<sup>11</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The purpose of this proposal is to inform the SEC and market participants of the new implementation date for the Post-Only, Midpoint Pegging, and Trade Now functionalities. The functionalities themselves were previously proposed in rule filings that were submitted to the SEC, and this proposal does not change the substance of those functionalities.<sup>12</sup> Nasdaq is delaying the implementation date of these functionalities to provide for further systems testing prior to implementing these functionalities.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the purpose of this proposal is to extend the implementation date for Post-Only, Midpoint Pegging and Trade-Now functionalities so that Nasdaq may perform additional systems testing prior to implementing these functionalities.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>13</sup> and Rule 19b-4(f)(6) thereunder.<sup>14</sup>

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> Nasdaq notes that the Trade-Now functionality was submitted to the SEC as an immediately effective filing, while the Post-Only and Midpoint Pegging functionalities were the subject of an SEC approval order. See *supra* notes 3 and 4.

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>14</sup> 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date

<sup>3</sup> See Securities Exchange Act Release No. 79290 (November 10, 2016), 81 FR 81184 (November 17, 2016) (SR-NASDAQ-2016-111) ("Post-Only Approval Order").

<sup>4</sup> See Securities Exchange Act Release No. 79282 (November 10, 2016), 81 FR 81219 (November 17, 2016) (SR-NASDAQ-2016-156).

<sup>5</sup> See Post-Only Approval Order, *supra* note 3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> See Securities Exchange Act Release No. 79282 (November 10, 2016), 81 FR 81219 (November 17, 2016) (SR-NASDAQ-2016-156).

<sup>9</sup> See Equity Trader Alert #2016-291.

<sup>10</sup> 15 U.S.C. 78f(b).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASDAQ-2017-013 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NASDAQ-2017-013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments

received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2017-013 and should be submitted on or before March 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03400 Filed 2-21-17; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

##### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

##### *Extension:*

Rule 17a-22; SEC File No. 270-202, OMB Control No. 3235-0196.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information provided for in Rule 17a-22 (17 CFR 240.17a-22) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 17a-22 requires all registered clearing agencies to file with the Commission three copies of all materials they issue or make generally available to their participants or other entities with whom they have a significant relationship. The filings with the Commission must be made within ten days after the materials are issued or made generally available. When the Commission is not the clearing agency's appropriate regulatory agency, the clearing agency must file one copy of the material with its appropriate regulatory agency.

The Commission is responsible for overseeing clearing agencies and uses the information filed pursuant to Rule 17a-22 to determine whether a clearing agency is implementing procedural or policy changes. The information filed

aides the Commission in determining whether such changes are consistent with the purposes of Section 17A of the Exchange Act. Also, the Commission uses the information to determine whether a clearing agency has changed its rules without reporting the actual or prospective change to the Commission as required under Section 19(b) of the Exchange Act.

The respondents to Rule 17a-22 are registered clearing agencies. The frequency of filings made by clearing agencies pursuant to Rule 17a-22 varies but on average there are approximately 200 filings per year per active clearing agency. There are seven active registered clearing agencies. The Commission staff estimates that each response requires approximately .25 hours (fifteen minutes), which represents the time it takes for a staff person at the clearing agency to properly identify a document subject to the rule, print and makes copies, and mail that document to the Commission. Thus, the total annual burden for all active clearing agencies is 350 hours (7 clearing agencies multiplied by 200 filings per clearing agency multiplied by .25 hours) and a total of 50 hours (1400 responses multiplied by .25 hours, divided by 7 active clearing agencies) per year are expended by each respondent to comply with the rule.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

of filing of the proposed rule change, or such shorter time as designated by the Commission.

<sup>15</sup> 17 CFR 200.30-3(a)(12).

Dated: February 15, 2017.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03392 Filed 2-21-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

#### *Upon Written Request, Copies Available*

From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

#### *Extension:*

Form N-17D-1; SEC File No. 270-231; OMB Control No. 3235-0229.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget ("OMB") for extension and approval.

Section 17(d) (15 U.S.C. 80a-17(d)) of the Investment Company Act of 1940 ("Act") authorizes the Commission to adopt rules that protect funds and their security holders from overreaching by affiliated persons when the fund and the affiliated person participate in any joint enterprise or other joint arrangement or profit-sharing plan. Rule 17d-1 under the Act (17 CFR 270.17d-1) prohibits funds and their affiliated persons from participating in a joint enterprise, unless an application regarding the transaction has been filed with and approved by the Commission. Paragraph (d)(3) of the rule provides an exemption from this requirement for any loan or advance of credit to, or acquisition of securities or other property of, a small business concern, or any agreement to do any of the foregoing ("investments") made by a small business investment company ("SBIC") and an affiliated bank, provided that reports about the investments are made on forms the Commission may prescribe. Rule 17d-2 (17 CFR 270.17d-2) designates Form N-17D-1 (17 CFR 274.00) ("form") as the form for reports required by rule 17d-1.

SBICs and their affiliated banks use form N-17D-1 to report any contemporaneous investments in a small business concern. The form provides shareholders and persons seeking to make an informed decision about investing in an SBIC an

opportunity to learn about transactions of the SBIC that have the potential for self-dealing and other forms of overreaching by affiliated persons at the expense of shareholders.

Form N-17D-1 requires SBICs and their affiliated banks to report identifying information about the small business concern and the affiliated bank. The report must include, among other things, the SBIC's and affiliated bank's outstanding investments in the small business concern, the use of the proceeds of the investments made during the reporting period, any changes in the nature and amount of the affiliated bank's investment, the name of any affiliated person of the SBIC or the affiliated bank (or any affiliated person of the affiliated person of the SBIC or the affiliated bank) who has any interest in the transactions, the basis of the affiliation, the nature of the interest, and the consideration the affiliated person has received or will receive.

Up to two SBICs may file the form in any year.<sup>1</sup> The Commission estimates the burden of filling out the form is approximately one hour per response and would likely be completed by an accountant or other professional. Based on past filings, the Commission estimates that no more than one SBIC is likely to use the form each year. Most of the information requested on the form should be readily available to the SBIC or the affiliated bank in records kept in the ordinary course of business, or with respect to the SBIC, pursuant to the recordkeeping requirements under the Act. Commission staff estimates that it should take approximately one hour for an accountant or other professional to complete the form.<sup>2</sup> The estimated total annual burden of filling out the form is 1 hour, at an estimated total annual cost of \$201.<sup>3</sup> The Commission will not keep responses on Form N-17D-1 confidential.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. An agency may not conduct or sponsor, and a

<sup>1</sup> As of December 31, 2016, two SBICs were registered with the Commission.

<sup>2</sup> This estimate of hours is based on past conversations with representatives of SBICs and accountants that have filed the form.

<sup>3</sup> Commission staff estimates that the annual burden would be incurred by a senior accountant with an average hourly wage rate of \$201 per hour. This wage is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 15, 2017.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03394 Filed 2-21-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

#### *Upon Written Request, Copies Available*

From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

#### *Extension:*

Rule 17f-7, SEC File No. 270-470, OMB Control No. 3235-0529.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521) ("Paperwork Reduction Act"), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 17f-7 (17 CFR 270.17f-7) permits a fund under certain conditions to maintain its foreign assets with an eligible securities depository, which has to meet minimum standards for a



depository. The fund or its investment adviser generally determines whether the depository complies with those requirements based on information provided by the fund's primary custodian (a bank that acts as global custodian). The depository custody arrangement also must meet certain conditions. The fund or its adviser must receive from the primary custodian (or its agent) an initial risk analysis of the depository arrangements, and the fund's contract with its primary custodian must state that the custodian will monitor risks and promptly notify the fund or its adviser of material changes in risks. The primary custodian and other custodians also are required to agree to exercise at least reasonable care, prudence, and diligence.

The collection of information requirements in rule 17f-7 are intended to provide workable standards that protect funds from the risks of using foreign securities depositories while assigning appropriate responsibilities to the fund's primary custodian and investment adviser based on their capabilities. The requirement that the foreign securities depository meet specified minimum standards is intended to ensure that the depository is subject to basic safeguards deemed appropriate for all depositories. The requirement that the fund or its adviser must receive from the primary custodian (or its agent) an initial risk analysis of the depository arrangements, and that the fund's contract with its primary custodian must state that the custodian will monitor risks and promptly notify the fund or its adviser of material changes in risks, is intended to provide essential information about custody risks to the fund's investment adviser as necessary for it to approve the continued use of the depository. The requirement that the primary custodian agree to exercise reasonable care is intended to provide assurances that its services and the information it provides will meet an appropriate standard of care.

The staff estimates that each of approximately 992 investment advisers<sup>1</sup> will make an average of 8 responses annually under the rule to address depository compliance with minimum requirements, any indemnification or insurance arrangements, and reviews of risk analyses or notifications. The staff estimates each response will take 6 hours, requiring a total of approximately

48 hours for each adviser.<sup>2</sup> Thus the total annual burden associated with these requirements of the rule is approximately 47,616 hours.<sup>3</sup> The staff further estimates that during each year, each of approximately 15 global custodians will make an average of 4 responses to analyze custody risks and provide notice of any material changes to custody risk under the rule. The staff estimates that each response will take 260 hours, requiring approximately 1,040 hours annually per global custodian.<sup>4</sup> Thus the total annual burden associated with these requirements is approximately 15,600 hours.<sup>5</sup> The staff estimates that the total annual hour burden associated with all collection of information requirements of the rule is therefore 63,216 hours.<sup>6</sup>

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule's permission for funds to maintain their assets in foreign custodians. The information provided under rule 17f-7 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and

Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 15, 2017.

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03422 Filed 2-21-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

#### Extension:

Rule 101; SEC File No. 270-408, OMB Control No. 3235-0464.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 101 of Regulation M (17 CFR 242.101), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 101—Activities by Distribution Participants—prohibits distribution participants from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by this rule may seek to use several applicable exceptions such as a calculation of the average daily trading volume of the securities in distribution, the maintenance of policies regarding information barriers between their affiliates, and the maintenance of a written policy regarding general compliance with Regulation M for de minimis transactions.

There are approximately 1550 respondents per year that require an aggregate total of 30,218 hours to comply with this rule. Each respondent makes an estimated 1 annual response. Each response takes on average approximately 19.495 hours to complete. Thus, the total compliance burden per year is 30,218 burden hours. The total estimated internal labor compliance cost for the respondents is approximately \$1,964,170.00, resulting in an estimated internal labor cost of compliance for each respondent per

<sup>1</sup> In October 2016, Commission staff estimated that, as of June 2016, 992 investment advisers managed or sponsored open-end registered funds (including exchange-traded funds) and closed-end registered funds.

<sup>2</sup> 8 responses per adviser × 6 hours per response = 48 hours per adviser.

<sup>3</sup> 992 advisers × 48 hours per adviser = 47,616 hours.

<sup>4</sup> 260 hours per response × 4 responses per global custodian = 1,040 hours per global custodian.

<sup>5</sup> 15 global custodians × 1,040 hours per global custodian = 15,600 hours.

<sup>6</sup> 47,616 hours + 15,600 hours = 63,216 hours.

response of approximately \$1267.21 (i.e., \$1,964,170.00/1550 responses).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 15, 2017.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03395 Filed 2-21-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

#### Extension:

Rule 203A-2(d), SEC File No. 270-630, OMB Control No. 3235-0689.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the "Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

The title of the collection of information is: "Exemption for Certain

Multi-State Investment Advisers (Rule 203A-2(d))." Its currently approved OMB control number is 3235-0689. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Pursuant to section 203A of the Investment Advisers Act of 1940 (the "Act") (15 U.S.C. 80b-3a), an investment adviser that is regulated or required to be regulated as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the Commission unless that adviser has at least \$25 million in assets under management or advises a Commission-registered investment company. Section 203A also prohibits from Commission registration an adviser that: (i) Has assets under management between \$25 million and \$100 million; (ii) is required to be registered as an investment adviser with the state in which it maintains its principal office and place of business; and (iii) if registered, would be subject to examination as an adviser by that state (a "mid-sized adviser"). A mid-sized adviser that otherwise would be prohibited may register with the Commission if it would be required to register with 15 or more states. Similarly, Rule 203A-2(d) under the Act (17 CFR 275.203a-2(d)) provides that the prohibition on registration with the Commission does not apply to an investment adviser that is required to register in 15 or more states. An investment adviser relying on this exemption also must: (i) Include a representation on Schedule D of Form ADV that the investment adviser has concluded that it must register as an investment adviser with the required number of states; (ii) undertake to withdraw from registration with the Commission if the adviser indicates on an annual updating amendment to Form ADV that it would be required by the laws of fewer than 15 states to register as an investment adviser with the state; and (iii) maintain in an easily accessible place a record of the states in which the investment adviser has determined it would, but for the exemption, be required to register for a period of not less than five years from the filing of a Form ADV relying on the rule.

Respondents to this collection of information are investment advisers required to register in 15 or more states absent the exemption that rely on rule 203A-2(d) to register with the Commission. The information collected under rule 203A-2(d) permits the Commission's examination staff to

determine an adviser's eligibility for registration with the Commission under this exemptive rule and is also necessary for the Commission staff to use in its examination and oversight program. This collection of information is codified at 17 CFR 275.203a-2(d) and is mandatory to qualify for and maintain Commission registration eligibility under rule 203A-2(d). Responses to the recordkeeping requirements under rule 203A-2(d) in the context of the Commission's examination and oversight program are generally kept confidential.

The estimated number of investment advisers subject to the collection of information requirements under the rule is 142. These advisers will incur an average one-time initial burden of approximately 8 hours, and an average ongoing burden of approximately 8 hours per year, to keep records sufficient to demonstrate that they meet the 15-state threshold. These estimates are based on an estimate that each year an investment adviser will spend approximately 0.5 hours creating a record of its determination whether it must register as an investment adviser with each of the 15 states required to rely on the exemption, and approximately 0.5 hours to maintain these records. Accordingly, we estimate that rule 203A-2(d) results in an annual aggregate burden of collection for SEC-registered investment advisers of a total of 1,136 hours. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE.,

Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 15, 2017.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03425 Filed 2-21-17; 8:45 am]

BILLING CODE 8011-01-P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration.

[Docket No. MARAD-2017-0026]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CHATON MOUILLE'; Invitation for Public Comments

**AGENCY:** Maritime Administration

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before March 24, 2017.

**ADDRESSES:** Comments should refer to docket number MARAD-2017-0026. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel CHATON MOUILLE' is:

—INTENDED COMMERCIAL USE OF VESSEL: Dinner cruises, private

charter, site seeing, recreational dive charters

—GEOGRAPHIC REGION: “Rhode Island, Massachusetts, Connecticut, New York, New Hampshire, Maine, New Jersey, Maryland”

The complete application is given in DOT docket MARAD-2017-0026 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

#### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: February 16, 2017.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2017-03403 Filed 2-21-17; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Reporting, Recordkeeping, and Disclosure Requirements Associated With Proprietary Trading and Certain Interests in and Relationships With Covered Funds

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, “Reporting, Recordkeeping, and Disclosure Requirements Associated with Proprietary Trading and Certain Interests in and Relationships with Covered Funds.” The OCC also is giving notice that it has sent the collection to OMB for review.

**DATES:** Comments must be submitted on or before March 24, 2017.

**ADDRESSES:** Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557-00309, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465-4326 or by electronic mail to [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov). You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597. Upon arrival, visitors will be required to present valid government-issued photo identification

and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

**FOR FURTHER INFORMATION CONTACT:**

Shaquita Merritt, OCC Clearance Officer, (202) 649-5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor.

"Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC is requesting that OMB extend its approval of this collection.

*Title:* Reporting, Recordkeeping, and Disclosure Requirements Associated with Proprietary Trading and Certain Interests in and Relationships with Covered Funds.

*OMB Control No.:* 1557-0309.

*Type of Review:* Regular.

*Description:* This collection of information was established pursuant to a 2014 final rule<sup>1</sup> required by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), which was enacted on July 21, 2010.<sup>2</sup> Section 619 of the Dodd-Frank Act contains certain prohibitions and restrictions on the ability of a banking entity and nonbank financial company supervised by the Board of Governors of the Federal Reserve System (Board) to engage in proprietary trading and have certain interests in, or relationships with, a hedge fund or private equity fund.

Section 619 of the Dodd-Frank Act added a new section 13 to the Bank Holding Company Act (BHC Act) (codified at 12 U.S.C. 1851) that generally prohibits any banking entity from engaging in proprietary trading or from acquiring or retaining an ownership interest in, sponsoring, or having certain relationships with a

hedge fund or private equity fund, subject to certain exemptions.

Section 44.12(e) states that, upon application by a banking entity, the Board may extend the period of time to meet the requirements on ownership limitations under § 44.12(a)(2)(i) for up to 2 additional years, if the Board finds that an extension would be consistent with safety and soundness and not detrimental to the public interest. An application for extension must: (1) Be submitted to the Board at least 90 days prior to the expiration of the applicable time period; (2) provide the reasons for application including information that addresses the factors in § 44.12(e)(2); and (3) explain the banking entity's plan for reducing the permitted investment in a covered fund through redemption, sale, dilution, or other methods as required in § 44.12(a)(2).

Section 44.20(d) provides that a banking entity engaged in proprietary trading activity permitted under subpart B of part 44 must comply with the reporting requirements described in Appendix A if: (1) The banking entity (other than a foreign banking entity as provided in § 44.20(d)(1)(ii)) has, together with its affiliates and subsidiaries, trading assets and liabilities (excluding trading assets and liabilities involving obligations of or guaranteed by the United States or any agency of the United States) the average gross sum of which (on a worldwide consolidated basis) over the previous consecutive four quarters, as measured as of the last day of each of the four prior calendar quarters, equals or exceeds the threshold established in § 44.20(d)(2); (2) in the case of a foreign banking entity, the average gross sum of the trading assets and liabilities of the combined U.S. operations of the foreign banking entity (including all subsidiaries, affiliates, branches, and agencies of the foreign banking entity operating, located, or organized in the United States and excluding trading assets and liabilities involving obligations of or guaranteed by the United States or any agency of the United States) over the previous consecutive four quarters, as measured as of the last day of each of the four prior calendar quarters, equals or exceeds the threshold established in § 44.20(d)(2); or (3) the OCC notifies the banking entity in writing that it must satisfy the reporting requirements contained in Appendix A of part 44. The threshold for reporting is: (1) \$50 billion beginning on June 30, 2014; (2) \$25 billion beginning on April 30, 2016; and (3) \$10 billion beginning on December 31, 2016. Under the 2014 final rule, a banking entity with \$50

billion or more in trading assets and liabilities must report the information required by Appendix A for each calendar month within 30 days of the end of the relevant calendar month. Beginning with information for the month of January 2015, such information must be reported within 10 days of the end of that calendar month. The OCC may notify a banking entity in writing that it must report on a different basis. Any other banking entity subject to Appendix A shall report the information required by Appendix A for each calendar quarter within 30 days of the end of that calendar quarter unless the OCC notifies the banking entity in writing that it must report on a different basis. Appendix A requires banking entities to furnish the following quantitative measurements for each trading desk of the banking entity: (1) Risk and Position Limits and Usage; (2) Risk Factor Sensitivities; (3) Value-at-Risk (VaR) and stress VaR; (4) Comprehensive Profit and loss Attribution; (5) Inventory Turnover; (6) Inventory Aging; and (7) Customer-Facing Trade Ratio.

Section 44.3(d)(3) specifies that proprietary trading does not include any purchase or sale of a security by a banking entity for the purpose of liquidity management in accordance with a documented liquidity management plan of the banking entity that: (1) Specifically contemplates and authorizes the particular securities to be used for liquidity management purposes, the amount, types, and risks of these securities that are consistent with liquidity management, and the liquidity circumstances in which the particular securities may or must be used; (2) requires that any purchase or sale of securities contemplated and authorized by the plan be principally for the purpose of managing the liquidity of the banking entity, and not for the purpose of short-term resale, benefitting from actual or expected short-term price movements, realizing short-term arbitrage profits, or hedging a position taken for such short-term purposes; (3) requires that any securities purchased or sold for liquidity management purposes be highly liquid and limited to securities the market, credit, and other risks of which the banking entity does not reasonably expect to give rise to appreciable profits or losses as a result of short-term price movements; (4) limits any securities purchased or sold for liquidity management purposes, together with any other instruments purchased or sold for such purposes, to an amount that is consistent with the banking entity's near-term funding

<sup>1</sup> 79 FR 5536 (January 31, 2014).

<sup>2</sup> Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376 (2010).

needs, including deviations from normal operations of the banking entity or any affiliate thereof, as estimated and documented pursuant to methods specified in the plan; (5) includes written policies and procedures, internal controls, analysis, and independent testing to ensure that the purchase and sale of securities that are not permitted under § 44.6(a) or § 44.6(b) are for the purpose of liquidity management and in accordance with the liquidity management plan described in this paragraph; and (6) is consistent with the OCC's supervisory requirements, guidance, and expectations regarding liquidity management.

Section 44.4(b)(3)(i)(A) provides that a trading desk or other organizational unit of another entity with \$50 billion or more in trading assets and liabilities is not a client, customer, or counterparty unless the trading desk documents how and why a particular trading desk or other organizational unit of the entity should be treated as a client, customer, or counterparty of the trading desk for purposes of § 44.4(b)(2).

Section 44.5(c) requires documentation for any purchase or sale of financial instruments for risk-mitigating hedging purposes that is: (1) Not established by the specific trading desk establishing or responsible for the underlying positions, contracts, or other holdings the risks of which the hedging activity is designed to reduce; (2) established by the specific trading desk establishing or responsible for the underlying positions, contracts, or other holdings the risks of which the purchases or sales are designed to reduce, but that is effected through a financial instrument, exposure, technique, or strategy that is not specifically identified in the trading desk's written policies and procedures established under §§ 44.5(b)(1) or 44.4(b)(2)(iii)(B) as a product, instrument, exposure, technique, or strategy such desk may use for hedging; or (3) established to hedge aggregated positions across two or more trading desks. In connection with any purchase or sale that meets these specified circumstances, a banking entity must, at a minimum and contemporaneously with the purchase or sale, document: (1) The specific, identifiable risk(s) of the identified positions, contracts, or other holdings of the banking entity that the purchase or sale is designed to reduce; (2) the specific risk-mitigating strategy that the purchase or sale is designed to fulfill; and (3) the trading desk or other business unit that is establishing and responsible for the hedge. The banking entity must also create and retain

records sufficient to demonstrate compliance with § 44.5(c) for at least 5 years in a form that allows the banking entity to promptly produce such records to the OCC on request or such longer period as required under other law or part 44.

Section 44.11(a)(2) requires that covered funds generally must be organized and offered only in connection with the provision of *bona fide* trust, fiduciary, investment advisory, or commodity trading advisory services and only to persons that are customers of such services of the banking entity (or an affiliate thereof), pursuant to a written plan or similar documentation outlining how the banking entity or such affiliate intends to provide advisory or similar services to its customers through organizing and offering the covered fund.

Section 44.20(b) specifies the contents of the compliance program for a banking entity with total consolidated assets of \$10 billion or more. It includes: (1) Written policies and procedures reasonably designed to document, describe, monitor, and limit trading activities (including those permitted under §§ 44.3 to 44.6), including setting, monitoring, and managing required limits set out in §§ 44.4 and 44.5 and activities and investments with respect to a covered fund (including those permitted under §§ 44.11 through 44.14) conducted by the banking entity to ensure that all activities and investments conducted by the banking entity that are subject to section 13 of the BHC Act and part 44 comply with section 13 of the BHC Act and part 44; (2) a system of internal controls reasonably designed to monitor compliance with section 13 of the BHC Act and part 44 and to prevent the occurrence of activities or investments that are prohibited by section 13 of the BHC Act and part 44; (3) a management framework that clearly delineates responsibility and accountability for compliance with section 13 of the BHC Act and part 44 and includes appropriate management review of trading limits, strategies, hedging activities, investments, incentive compensation, and other matters identified in part 44 or by management as requiring attention; (4) independent testing and audit of the effectiveness of the compliance program conducted periodically by qualified personnel of the banking entity or by a qualified outside party; (5) training for trading personnel and managers, as well as other appropriate personnel, to effectively implement and enforce the compliance program; and (6) records

sufficient to demonstrate compliance with section 13 of the BHC Act and part 44, which a banking entity must promptly provide to the OCC upon request and retain for a period of no less than 5 years or such longer period as required by the OCC.

Section 44.20(c) specifies that the compliance program of a banking entity must satisfy the requirements and other standards contained in Appendix B, if: (1) The banking entity engages in proprietary trading permitted under subpart B of part 44 and is required to comply with the reporting requirements of § 44.20(d); (2) the banking entity has reported total consolidated assets as of the previous calendar year end of \$50 billion or more or, in the case of a foreign banking entity, has total U.S. assets as of the previous calendar year end of \$50 billion or more (including all subsidiaries, affiliates, branches and agencies of the foreign banking entity operating, located or organized in the United States); or (3) the OCC notifies the banking entity in writing that it must satisfy the requirements and other standards contained in Appendix B. Appendix B provides enhanced minimum standards for compliance programs for banking entities that meet any of the thresholds in § 44.20(c) as described above. Appendix B sets forth standards with respect to the establishment, oversight, maintenance, and enforcement by banking entities of the enhanced compliance program for ensuring and monitoring compliance with the prohibitions and restrictions on proprietary trading and covered fund activities and investments set forth in section 13 of the BHC Act and part 44. The program must: (1) Be reasonably designed to identify, document, monitor, and report the permitted trading and covered fund activities and investments; identify, monitor, and promptly address the risk of these covered activities and investments and potential areas of noncompliance; and prevent activities or investments prohibited by, or that do not comply with, section 13 of the BHC Act and part 44; (2) establish and enforce appropriate limits on covered activities and investments, including limits on size, scope, complexity, and risks of individual activities or investments consistent with the requirements of section 13 of the BHC Act and part 44; (3) subject the effectiveness of the compliance program to periodic independent review and testing, and ensure that the entity's internal audit, corporate compliance, and internal control functions involved in review and testing are effective and

independent; (4) make senior management and others accountable for effective implementation of compliance program and ensure that the board of directors and chief executive officer (or equivalent) of the banking entity review effectiveness of the compliance program; and (5) facilitate supervision and examination by the OCC of permitted trading and covered fund activities and investments.

Section 44.20(d) provides that a banking entity engaged in certain proprietary trading activity must comply with the reporting requirements described in Appendix A if the banking entity's trading activity meets or exceeds the thresholds set forth in § 44.20(d). A banking entity must also, for any quantitative measurement furnished to the OCC pursuant to § 44.20(d) and Appendix A, create and maintain records documenting the preparation and content of these reports, as well as such information as is necessary to permit the OCC to verify the accuracy of such reports, for a period of 5 years from the end of the calendar year for which the measurement was taken.

Section 44.20(e) specifies additional documentation required for covered funds. Any banking entity that has more than \$10 billion in total consolidated assets as reported on December 31 of the previous two calendar years shall maintain records that include: (1) Documentation of the exclusions or exemptions other than sections 3(c)(1) and 3(c)(7) of the Investment Company Act of 1940 relied on by each fund sponsored by the banking entity (including all subsidiaries and affiliates) in determining that such fund is not a covered fund; (2) for each fund sponsored by the banking entity (including all subsidiaries and affiliates) for which the banking entity relies on one or more of the exclusions from the definition of covered fund provided by §§ 44.10(c)(1), 44.10(c)(5), 44.10(c)(8), 44.10(c)(9), or 44.10(c)(10), documentation supporting the banking entity's determination that the fund is not a covered fund pursuant to one or more of those exclusions; (3) for each seeding vehicle described in §§ 44.10(c)(12)(i) or 44.10(c)(12)(iii) that will become a registered investment company or SEC-regulated business development company, a written plan documenting the banking entity's determination that the seeding vehicle will become a registered investment company or SEC-regulated business development company; the period of time during which the vehicle will operate as a seeding vehicle; and the banking entity's plan to market the

vehicle to third-party investors and convert it into a registered investment company or SEC-regulated business development company within the time period specified in § 44.12(a)(2)(i)(B); and (4) for any banking entity that is, or is controlled directly or indirectly by a banking entity that is, located in or organized under the laws of the United States or of any State, if the aggregate amount of ownership interests in foreign public funds that are described in § 44.10(c)(1) owned by such banking entity (including ownership interests owned by any affiliate that is controlled directly or indirectly by a banking entity that is located in or organized under the laws of the United States or of any State) exceeds \$50 million at the end of two or more consecutive calendar quarters, beginning with the next succeeding calendar quarter, documentation of the value of the ownership interests owned by the banking entity (and such affiliates) in each foreign public fund and each jurisdiction in which any such foreign public fund is organized, calculated as of the end of each calendar quarter, which documentation must continue until the banking entity's aggregate amount of ownership interests in foreign public funds is below \$50 million for two consecutive calendar quarters.

Section 44.20(f)(1) applies to banking entities with no covered activities. A banking entity that does not engage in activities or investments pursuant to subpart B or subpart C of part 44 (other than trading activities permitted pursuant to § 44.6(a)) may satisfy the requirements of § 44.20 by establishing the required compliance program prior to becoming engaged in such activities or making such investments (other than trading activities permitted pursuant to § 44.6(a)).

Section 44.20(f)(2) applies to banking entities with modest activities. A banking entity with total consolidated assets of \$10 billion or less as reported on December 31 of the previous two calendar years that engages in activities or investments pursuant to subpart B or subpart C of part 44 (other than trading activities permitted under § 44.6(a)) may satisfy the requirements of § 44.20 by including in its existing compliance policies and procedures appropriate references to the requirements of section 13 of the BHC Act and part 44 and adjustments as appropriate given the activities, size, scope, and complexity of the banking entity.

Section 44.11(a)(8)(i) requires that a banking entity clearly and conspicuously disclose, in writing, to any prospective and actual investor in the covered fund (such as through

disclosure in the covered fund's offering documents): (1) That any losses in such covered fund will be borne solely by investors in the covered fund and not by the banking entity or its affiliates; therefore, the banking entity's losses in such covered fund will be limited to losses attributable to the ownership interests in the covered fund held by the banking entity and any affiliate in its capacity as investor in the covered fund or as beneficiary of a restricted profit interest held by the banking entity or any affiliate; (2) that such investor should read the fund offering documents before investing in the covered fund; (3) that the ownership interests in the covered fund are not insured by the FDIC, and are not deposits, obligations of, or endorsed or guaranteed in any way, by any banking entity (unless that happens to be the case); and (4) the role of the banking entity and its affiliates and employees in sponsoring or providing any services to the covered fund.

*Affected Public:* Businesses or other for-profit.

*Burden Estimates:*

*Number of Respondents:* 381.

*Total Estimated Annual Burden:* 28,016 hours (14,386 hours for initial setup and 13,630 hours for ongoing compliance).

*Frequency of Response:* On occasion.

*Comments:* The OCC issued a notice for 60 days of comment concerning the collection on November 18, 2016, 81 FR 81863. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 15, 2017.

**Karen Solomon,**  
Deputy Chief Counsel, Office of the  
Comptroller of the Currency.

[FR Doc. 2017-03381 Filed 2-21-17; 8:45 am]

**BILLING CODE 4810-33-P**

**DEPARTMENT OF THE TREASURY****Proposed Collections; Comment Requests**

**AGENCY:** Departmental Offices; Department of the Treasury.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on the revision of an information collection that is to be proposed for approval by the Office of Management and Budget. The Office of International Affairs of the Department of the Treasury is soliciting comments concerning Treasury International Capital Form S, Purchases and Sales of Long-Term Securities by Foreign Residents.

**DATES:** Written comments should be received on or before April 24, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 5422, 1500 Pennsylvania Avenue NW., Washington, DC 20220. In view of possible delays in mail delivery, please also notify Mr. Wolkow by email ([comments2TIC@treasury.gov](mailto:comments2TIC@treasury.gov)), FAX (202-622-2009) or telephone (202-622-1276).

**FOR FURTHER INFORMATION CONTACT:**

Copies of the proposed forms and instructions are available on the Treasury's TIC Forms Web page, <https://www.treasury.gov/resource-center/data-chart-center/tic/Pages/index.aspx>. Requests for additional information should be directed to Mr. Wolkow.

**SUPPLEMENTARY INFORMATION:**

*Title:* Treasury International Capital Form S, Purchases and Sales of Long-term Securities by Foreign-Residents.

*OMB Control Number:* 1505-0001.

*Abstract:* Form S is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR 128), and is designed to collect timely information on international portfolio capital movements. Form S is a monthly report used to cover transactions in long-term marketable securities undertaken *directly* with foreigners by banks, other depository institutions, brokers, dealers, underwriting groups, funds and other individuals and institutions. This information is used by the U.S. Government in the formulation of international financial and monetary policies and for the analysis of the U.S. balance of payments accounts.

*Current Actions:* (1) The section II.A "Who Must Report" and the section II.E.1.e "What Must Be Reported" of the instructions are updated to list out separately "certain private funds", which are a subgroup of the class of financial entities defined by the Securities and Exchange Commission as private funds on Form PF: "any issuer that would be an investment company as defined in section 3 of the Investment Company Act of 1940 but for section 3(c)(1) or 3(c)(7) of . . . [that] Act.". In cooperation with the Bureau of Economic Analysis (BEA) effective for TIC reports beginning as of January 2017 and afterwards, reporters of investments in private funds that meet the definition of direct investment (that is, ownership by one person of 10 percent or more of the voting interest of a business enterprise) but display characteristics of portfolio investment (specifically, investors who do not intend to control or influence the management of an operating company) are required to report through the Treasury International Capital (TIC) reporting system, where other related portfolio investments are already being reported, and not to report on BEA's direct investment surveys. Specifically, cross-border investments by or into private funds are included in TIC reports regardless of ownership share if they meet BOTH of the following two criteria: (i) The private fund does not own, directly or indirectly through another business enterprise, an "operating company"—i.e., a business enterprise that is not a private fund or a holding company—in which the U.S. or foreign parent owns at least 10 percent of the voting interest, and (ii) If the private fund is owned indirectly (through one or more other business enterprises), there are no "operating companies" between the U.S. or foreign parent and the indirectly-owned private fund. Direct investment in operating companies, including investment by and through private funds, will continue to be reported to BEA. This change aligns the U.S. direct investment and portfolio investment data more closely with the intent of the investment with respect to management control. In addition, it reduces burden for respondents, many of whom previously reported both to the TIC reporting system and to BEA's direct investment reporting system. Note: This change applies also to these other TIC forms if the reporting requirements of the form are met: BC, BL-1, BL-2, BQ-1, BQ-2, BQ-3, D, SLT, SHC(A) and SHL(A). (2) The section II.A "Who Must Report" of the instructions is updated to list out

separately "principal trading firms" and "fund administrators". (3) The section II.A "Who Must Report" and section II.B "Consolidation Rules" of the instructions are updated to list out separately Intermediate Holding Companies (IHCs), as defined by Regulation YY, 12 CFR 252, and to clarify that IHCs should follow the same consolidation rules that are applicable to Bank Holding Companies (BHCs), Financial Holding Companies (FHCs), and Savings and Loan Holding Companies. The Regulation YY was effective by January 1, 2015, and IHCs are filing TIC reports; this update will formalize their reporting requirements. (4) The section II.E.2.f "What Must Be Reported" of the instructions is updated to clarify that, regarding securities involved in security lending agreements and repurchase/resale (reverse repurchase) agreements, sales of the underlying security collateral to other parties and the purchases of such securities from other parties, undertaken in order to return the security collateral to the lenders, must be reported. (5) The section III.A.columns 1 & 2 "Column by Column Instructions" of the instructions is updated to clarify that the stripped securities 'teddy bears' (TBRs), 'tigers' (TIGRs), 'cats' (CATS) and 'cougars' (COUGRs) should also be classified as U.S. Treasury securities. (6) The section II.E. "What Must Be Reported" clarifies that long-term Treasury securities are Bonds, Notes, TIPS, FRNs and Savings Bonds. (7) Some other clarifications and format changes may be made to improve the instructions.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Form:* S (1505-0001).

*Estimated Number of Respondents:* 188.

*Estimated Average Time per Respondent:* Six and three tenth hours per respondent per filing. This estimate includes the Current Actions proposed above. The estimated average time per respondent varies from 10.8 hours for the approximately 30 major reporters to 5.4 hours for the other reporters.

*Estimated Total Annual Burden Hours:* 14,130 hours, based on 12 reporting periods per year.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: (a) Whether Form S is necessary for the proper performance of the functions of the



Office, including whether the information will have practical uses; (b) the accuracy of the above estimate of the burdens; (c) ways to enhance the quality, usefulness and clarity of the information to be collected; (d) ways to

minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and (e) estimates of capital or start-up costs of operation,

maintenance and purchase of services to provide information.

**Dwight Wolkow,**

*Administrator, International Portfolio  
Investment Data Systems.*

[FR Doc. 2017-03396 Filed 2-21-17; 8:45 am]

**BILLING CODE 4810-25-P**

# Reader Aids

## Federal Register

Vol. 82, No. 34

Wednesday, February 22, 2017

### CUSTOMER SERVICE AND INFORMATION

#### Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

**Laws** **741-6000**

#### Presidential Documents

Executive orders and proclamations **741-6000**

**The United States Government Manual** **741-6000**

#### Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

Public Laws Update Service (numbers, dates, etc.) **741-6043**

### ELECTRONIC RESEARCH

#### World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: [www.fdsys.gov](http://www.fdsys.gov).

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: [www.ofr.gov](http://www.ofr.gov).

#### E-mail

**FEDREGTOC** (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

**FEDREGTOC** and **PENS** are mailing lists only. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to: [fedreg.info@nara.gov](mailto:fedreg.info@nara.gov)

The Federal Register staff cannot interpret specific documents or regulations.

**CFR Checklist.** Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at <http://bookstore.gpo.gov/>.

### FEDERAL REGISTER PAGES AND DATE, FEBRUARY

8893-8984.....	1	10959-11130.....	17
8985-9126.....	2	11131-11298.....	21
9127-9342.....	3	11299-11400.....	22
9343-9488.....	6		
9489-9676.....	7		
9677-9966.....	8		
9967-10254.....	9		
10255-10440.....	10		
10441-10540.....	13		
10541-10700.....	14		
10701-10854.....	15		
10855-10958.....	16		

### CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

#### 3 CFR

##### Proclamations:

9572.....9487  
9573.....9673

##### Executive Orders:

12866 (See EO 13771).....9339  
13490 (Superseded by EO 13770).....9333  
13762 (Revoked by EO 13775).....10697

13769.....8977  
13770.....9333  
13771.....9339  
13772.....9965  
13773.....10691  
13774.....10695  
13775.....10697  
13776.....10699

##### Administrative Orders:

Memorandums:  
Memorandum of January 24, 2017 (republication).....11129  
Memorandum of January 27, 2017.....8983  
National Security Presidential Memorandum-2 of January 28, 2017.....9119  
National Security Presidential Memorandum-3 of January 28, 2017.....9125  
Memorandum of February 3, 2017.....9675

#### 5 CFR

339.....10959  
890.....11131

#### 7 CFR

51.....10959  
52.....10959  
205.....9967  
271.....11131  
272.....11131  
273.....11131  
274.....11131  
275.....11131  
276.....11131  
277.....11131  
278.....11131  
279.....11131  
280.....11131  
281.....11131  
282.....11131  
283.....11131  
285.....11131  
331.....10855

##### Proposed Rules:

46.....10966

65.....10966  
205.....10967  
318.....10444  
319.....10312, 10444  
330.....10444  
340.....10312  
352.....10444  
923.....10555  
1051.....10634  
1260.....10967  
3201.....11159

#### 9 CFR

121.....10855  
201.....9489

##### Proposed Rules:

201.....9533  
301.....11324  
304.....11324  
316.....11324  
317.....11324  
318.....11324  
319.....11324  
320.....11324  
327.....11324  
362.....11324  
381.....11324  
412.....11324  
416.....11324

#### 10 CFR

429.....8985  
430.....8985  
431.....8985  
435.....9343

##### Proposed Rules:

50.....11159  
73.....9534

#### 11 CFR

111.....8986

#### 12 CFR

225.....9308  
252.....9308

##### Proposed Rules:

701.....9691  
702.....9691  
703.....9691  
709.....9691  
741.....9691  
745.....9691

#### 13 CFR

107.....9967  
120.....9967  
142.....9967  
146.....9967

#### 14 CFR

1.....9677  
23.....9677

25.....9677	<b>25 CFR</b>	294.....9973	<b>45 CFR</b>
27.....9677	<b>Proposed Rules:</b>	1250.....8901	102.....9174
29.....9677	140.....9706	<b>37 CFR</b>	1610.....10273
39.....9489, 9492, 9495, 9498, 10255, 10258, 10262, 10264, 10267, 10541, 10701, 10855, 10859, 10860, 11132, 11134, 11137, 11140, 11144, 11146, 11299, 11304, 11307, 11310, 11314	<b>28 CFR</b>	2.....10273	1611.....10442
61.....9677	0.....10546	7.....10273	1627.....10273
71.....10544	31.....8894	201.....9004, 9354	1630.....10273
91.....9677	85.....9131	202.....9354	<b>Proposed Rules:</b>
95.....9678	<b>29 CFR</b>	203.....9354, 9505	147.....10980
97.....10269, 10271	1208.....8895	204.....9004, 9354	155.....10980
121.....9677	1614.....10863	205.....9354	156.....10980
125.....9677	1910.....8901	210.....9354	1609.....10446
135.....9677	1915.....8901	211.....9354	
<b>Proposed Rules:</b>	1926.....8901	212.....9354	<b>46 CFR</b>
39.....9535, 9537, 10721, 10968, 10971, 10973, 10976, 10978, 11162, 11325, 11327	4022.....10707	253.....9354	502.....8903
71.....10313	<b>30 CFR</b>	254.....9354	506.....10719
<b>15 CFR</b>	250.....9136	255.....9354	
774.....8893	550.....10709	256.....9354	<b>47 CFR</b>
902.....9501, 9969	553.....10709	258.....9354	64.....9366
<b>16 CFR</b>	723.....9349	260.....9354	73.....9009, 10866, 11106, 11156
1112.....8989	724.....9349	261.....9354	<b>Proposed Rules:</b>
1217.....11317	845.....9349	262.....9354	Ch. I.....9282
1250.....8989	846.....9349	263.....9354	1.....8907
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	270.....9354	25.....8907
1240.....8907	75.....9369	<b>38 CFR</b>	54.....8907, 10988
1500.....9012	<b>31 CFR</b>	14.....11151	64.....10999
1507.....9012	50.....10434	17.....11152	73.....8907, 10559, 10733
<b>17 CFR</b>	501.....10434	36.....11153	74.....8907
230.....10703	535.....10434	74.....11154	
232.....9680	536.....10434	<b>40 CFR</b>	
240.....10703	538.....10434	52.....9138, 9142, 9155, 9158, 9164, 9512, 9515	<b>49 CFR</b>
260.....10703	539.....10434	60.....10711	270.....10443
<b>18 CFR</b>	541.....10434	97.....10711	380.....8903
35.....9343	542.....10434	131.....9166	383.....8903
39.....8993	543.....10434	180.....9519, 9523, 10547, 10712	384.....8903
40.....8994	544.....10434	300.....11320	571.....9368
157.....9127	546.....10434	1700.....9682	585.....9368
381.....9128	547.....10434	<b>Proposed Rules:</b>	701.....9682
<b>Proposed Rules:</b>	548.....10434	50.....10726	1250.....9529
35.....9539	549.....10434	51.....10726	<b>Proposed Rules:</b>
39.....9034	560.....10434	52.....9035, 10727	236.....10449
40.....9702	561.....10434	63.....11334	238.....10449
<b>21 CFR</b>	566.....10434	180.....9555	
201.....9501	576.....10434	300.....11335	<b>50 CFR</b>
801.....9501	588.....10434	751.....10732	17.....10285
1100.....9501	592.....10434	<b>42 CFR</b>	217.....10286
1105.....8894	594.....10434	2.....10863	223.....9975
<b>Proposed Rules:</b>	595.....10434	70.....10718	229.....9690
101.....10868	597.....10434	71.....10718	300.....9501, 9969
<b>22 CFR</b>	598.....10434	73.....10864	600.....9690
1502.....9129	1010.....10434	100.....11321	622.....9189, 10309, 10553, 11156
<b>23 CFR</b>	<b>33 CFR</b>	510.....10961	635.....9530
490.....10441	117.....9502, 9970, 10960, 10961, 11148, 11320	512.....10961	648.....11321, 11322
	165.....9593, 9972	<b>Proposed Rules:</b>	660.....9634
	<b>Proposed Rules:</b>	88.....11164	679.....8904, 8905, 8906, 9501, 9530, 9531, 9975, 10554, 10964, 11158
	100.....10555	<b>43 CFR</b>	<b>Proposed Rules:</b>
	110.....10313, 11329	10.....10864	20.....10222
	117.....10444	3160.....9974	92.....10316
	165.....9978, 10558, 11332	<b>44 CFR</b>	224.....9707
	209.....9555	64.....10962	622.....10324, 11166
	<b>36 CFR</b>		
	13.....10442		

---

**LIST OF PUBLIC LAWS**

---

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List February 21, 2017

---

**Public Laws Electronic Notification Service (PENS)**

---

**PENS** is a free electronic mail notification service of newly

enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

**Note:** This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.